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1. Peerage - Gt. Br. - England
2. Berkeley family

G.D

J. G. Phillips

Berkeley

A
NARRATIVE
OF THE
Minutes of Evidence
RESPECTING THE CLAIM
TO
THE BERKELEY PEERAGE,
AS TAKEN BEFORE
THE COMMITTEE OF PRIVILEGES
IN 1811.
TOGETHER WITH THE ENTIRE EVIDENCE OF THE PERSONS
PRINCIPALLY CONCERNED.

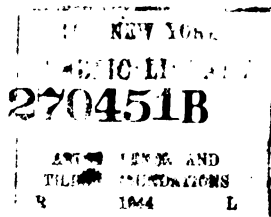
To which are added,
**PAC SIMILES OF THE BANNIS, AND REGISTER
OF THE MARRIAGE:**

EXTRACTED FROM THE PARISH BOOKS OF BERKELEY.

To the whole is prefixed,
A SKETCH OF THE PROCEEDINGS OF THE COMMITTEE
on the
EARL OF BERKELEY'S PEDIGREE IN THE YEAR 1799.

3
LONDON:

PRINTED FOR SHERWOOD, NEELY, AND JONES,
PATERNOSTER-ROW;



P R E F A C E.

IF "the proper study of Mankind is Man," as a writer not less acute than elegant has observed, it is presumed that a greater diversity of incident, manners, and character has seldom presented itself than is to be found in the following pages. They exhibit a moral delineation of society in the opposite extremes of high and low life, of fashion and rusticity, and of course pourtray a contrast proportionably striking; from which, while amusement is derived, instruction is in a manner forced upon the reader, without the fatigue of study or investigation. In such sketches of real life and manners as are contained in these pages, those circumstances and events, which, any otherwise attested, would appear romantic, are found to be real; the surprize thus created is agreeable, the information genuine, and the effects of the whole not less pleasing than permanent.

A parallel to the Earl of Berkeley may be found in the gallant gay Lotharios of the present and other times, who have never made any scruples as to equality of birth, or plebeian connections, when the gratification of their passions was the object in view. Not so with Lady Berkeley; for, abating the imprudence of suffering herself, in the first

morals, prudent reserve, and propriety of conduct. Exposed in early life to all the temptations attached to splendid vice, enforced by the example of one of her nearest relatives, she remained untainted ; and she preserved a moral character which has borne the test of years, during which the vigilance of investigation has never slept. The late Lord Berkeley is by no means a solitary example of English Peers, who have married into the families of citizens and others ; and if virtue only confers genuine nobility, the children of the Countess of Berkeley have no reason to be ashamed of their descent.

INTRODUCTION.

THOUGH the recent transactions of the Committee for Privileges, in the House of Lords, may have rendered the name of Berkeley in some degree familiar with the well-informed, the history of this nobleman's connections cannot be considered as complete, unless some important particulars, which occurred in the same Committee of the House of Lords on the investigation of the Earl of Berkeley's peerage in 1799, are prefixed to the present narrative.

When the Peers' Pedigree Bill was passed, about the time alluded to, it appears it was necessary that the marriage, death, &c. of each peer should be proved. Accordingly, on the 27th of May, 1799, Garter, King at Arms, being called in, the pedigree of the Earl of Berkeley being produced by him and read, he was asked what knowledge he had of any of the facts therein stated? In answer to this, he informed their lordships, that he had an extract from the register of the marriage and death of Lord Berkeley's father, and of his burial also, which he received with many others, from the Rev. Mr. Carrington, then minister of the parish of Berkeley. Being asked if he compared them? he said, he did not; the registers themselves being in Gloucester; neither did he know whether the clergyman himself compared them, though they were written in his own hand and certified by him.

Having the next day presented the copies of the registers alluded to, then in order to prove the marriage of the late Earl with Miss Gales Garter

to be an extract from the Registry of Marriages of the parish of Berkeley in the county of Gloucester, as delivered to him by Mr. Caleb Carrington.

Though this gentleman's predecessor, the Rev. Mr. Hupsman, had died only in the month of November 1798, he could not recollect the period of his own institution to the living, nor could he say exactly to a day when the registry of the parish came into his hands! It was kept, he said, by the curate, but he could not tell whether numerically or not! And though the entry of the Earl of Berkeley's marriage was entered as 74, it was not, as he acknowledged in its place following No. 73, and before 75, but upon the last leaf, and the wrong side upwards; he added there was no blank between 73 and 75, but another, 74, in its place; in fine, he afterwards described the appearance and situation of the book, in the very same terms as he used, since the death of Lord Berkeley; and Mr. Scriven, belonging to Lord Berkeley's attorney, was his coadjutor.

Mr. Carrington being afterwards ordered to produce the *original* registry of the parish of Berkeley, together with the *original* book of banns at the next meeting of the Committee; then informed that there was a second marriage, and Lord Berkeley, then present in his place, acknowledging the same; Mr. Marmaduke Robinson produced a paper, an extract from the registry of marriages of the parish of St. Mary at Lambeth, in the county of Surrey, certified by Mr. Swabey the clergyman, as follows:—

“ No. 628.—The Right Honourable Frederick Augustus Berkeley, Earl of Berkeley, a bachelor,

day of May, in the year one thousand seven hundred and ninety-six.

“ By me, John Lloyd, Curate.”

“ The marriage was solemnized between us,

“ Frederick Augustus Berkeley,

“ Mary Cole.

In the presence of “ William Tudor,

“ Caleb Carrington.”

On the 3d of June, the Rev. Caleb Carrington appeared again before the Committee, and produced two of the registry books of the parish of Berkeley. In the course of the examination that followed on this occasion, the embarrassment of the witness was manifest, in his attempt to account for the previous concealment and subsequent discovery of the registry of Lord Berkeley's banns, which embarrassment was apparently increased by his being asked, how the old registries came to be deposited at all at Berkeley Castle? and whether he did not know that the canon prescribes in what manner he was to keep the registry? how he could imagine he had kept it in the manner prescribed by the canon? and why he did not keep the registers as the law directed?

The singularity of Mr. Carrington's admitting that the first time he heard Lord Berkeley express any apprehensions relative to the loss of the entry was not *before*, but long after, Mr. Hupsman's death, did not escape the notice of the Committee. And besides, Mr. C. acknowledged that he was particularly instructed to look for the entry upon the first leaves, and this by Lord Berkeley himself.

As to Richard Barns, the person who was supposed to have witnessed this singular marriage by his mark, Mr. Carrington, even at that early period, did not know, nor had ever asked, who he was?

doubt that it was the hand writing of the deceased Mr. Hupsman; neither did he ever hear of Lord Berkeley's first marriage till after the death of Mr. Hupsman.

From the further examination of Mr. Carrington, it appeared that Mr. Tudor, brother to Lady Berkeley, supposed to have been a witness to the first marriage, was indisputably a witness to the second at Lambeth church, and was then an Assistant-Commissary at Maidstone in Kent, and that he did not express any difficulty at certifying to the second marriage, in which it was stated that Lord Berkeley was a *batchelor* and Mary Cole a *spinster*, when he had been a witness to the first marriage!

Lady Berkeley, this witness admitted, was not generally called Lady Berkeley, till after the second marriage; nor was the youngest or the eldest son then called Lord Dursley. Before this marriage, he also stated, that some of the servants having called her so at Little Hampton, were forbid to repeat this appellation. As to the concealment of the register, the witness believed that Lord Berkeley in some degree sanctioned it.

The evidence of Mr. John Scriven, who assisted Mr. Carrington in searching for the register, was nearly a repetition of what had been stated by his predecessor!

Mr. William Tudor being called, and asked if he was present at the marriage of the Earl of Berkeley in 1785, as stated in the pedigree? acknowledged that, and his hand writing, and that at the time, it was Lord Berkeley's request that the marriage should be kept a secret. Of the hour of marriage this witness was ignorant, nor did he know whether there was any body in the church besides the subscribing witnesses! The body of

part of the book it was in; and to the question whether he made any objection to attending Lord Berkeley to church the second time? he answered, None; I urged the necessity of it.

Respecting Richard Barns, the other witness, Mr. Tudor could not tell whether he attested the register first or last, though, to the best of his recollection, he himself signed first. Being asked how did the other? he answered, he could not write. What was he? I really cannot say what: I never saw him till I met him in the church with Lord Berkeley: he knew nothing of him before or since: not where he lived, nor whether he was living or dead!

The witness further stated that he had consulted the late Mr. Bearcroft as to the legality of his sister's marriage; and upon its being observed to him, that it would be proper to produce that paper upon which he took the opinion of counsel, he answered, that he had not got it—that he did not keep it; that he could not even say whether he left it with the counsel or brought it back; the information he received from Mr. Bearcroft was by word of mouth.

To ascertain the period of the birth of Lord Berkeley's children, viz. William Fitzhardinge, Morton Fitzhardinge, and Augustus Fitzhardinge, Mr. Francis Townsend, Windsor Herald, produced a paper containing several extracts from the registry of the parish of St. George, Hanover-square; and others were also brought from St. Martin's in the Fields. Mr. Carrington produced a certificate of the burial of Francis Ducie Fitzhardinge, son of the Earl of Berkeley, buried in the family vault at Cranford, on the 24th of March, 1792, with others of births, christenings, &c.

Rudge, Captain Thomas Peyton, John Allen, Brook Watson, Mr. Theodore Gwinnett, Haviland Le Mesurier, Esq., John Harriot Roe, Esq., and Mary Routh, were examined, but without producing those interesting developements which have been brought to light by the more recent and enlarged enquiries, to which we must hasten.

The late Earl Berkeley, it appears, paid the debt of nature in August 1810, when it became a question, which of his lordship's sons was entitled to be called to the House of Peers as the successor to his father's dignities. The common report that the two eldest sons had been born before the deceased lord was married to their mother, the present countess: her ladyship, in behalf of her eldest son, averred, that although the *public* solemnization of the marriage took place after the birth of the before-named two children, yet, that she had been *privately* married to Lord Berkeley before their birth; and to put the validity of this assertion to the test, the present investigation was instituted. Amidst such a complexity of evidence as has now been brought forward, the determination must be left to the judgment of the reader. However, few, we believe, will hesitate in pronouncing the supposed marriage of her ladyship, in 1785, a forgery; and of course the register of that marriage, and the entry of the banns upon which it has been supported, will fall to the ground.

It has been erroneously said, that by the resolution of the House of Lords, the Berkeley Peerage indisputably devolves on the first son of the marriage in 1796. That may be the ultimate effect of the decision; but in the mean time the resolution of the Committee of Privileges goes no farther than to say that he has not made good his

the evidence given against him; and his brother, Morton Fitzhardinge, is only in his fifteenth year, and cannot claim to be called to the House of Peers till he shall have reached twenty-one.

The eldest son of the alledged marriage in 1785 is put into this curious predicament. He was forced to quit the House of Commons as being a Peer, and not allowed to enter the House of Lords as being a Commoner. May he not petition the House of Commons to resume his seat as he was turned out on a false pretence?

All that is further necessary to be known respecting the Berkeley claim, may be traced from the following sketch:—This business, which has occupied so much time in the House of Lords, was brought forward early in the session, on the petition of William Fitzhardinge Berkeley, stating himself to be the eldest son and heir apparent of the late Earl of Berkeley, and therefore entitled of right to the honours and dignities possessed by his father. It being known that the late Earl was *publicly* married to the present Countess of Berkeley in May 1796, and the son of *that marriage* born in October 1796, being a minor, the House addressed the Prince Regent to appoint one of the Law Officers of the Crown to appear for him, to take care of his interests. The case then came on to be heard. Mr. Serjeant Best, Sir Samuel Romilly, and Mr. A. Moore, attending as counsel for the claimant, who claimed under a marriage alleged to have taken place between his father the late Earl, and the present Countess, on the 30th of March 1785, at Berkeley church. The Solicitor-General and Mr. Harrison attending on behalf of the son of the undisputed marriage in 1796, who failing, the claim of the claimant was of course the next heir and the Attorney General.

On the part of the son born in the year 1796, evidence was adduced to shew, that it was impossible the alledged publication of banns in 1784, or marriage in 1785, could have taken place. A great number of witnesses were examined. It was proved that Lord Berkeley, in his own hand-writing, minuted down the form in which the baptism of his children by Lady Berkeley, then living with him under the name of Miss Tudor, should be registered; and which was, previous to 1796, uniformly as the illegitimate children of the Earl of Berkeley and Mary Cole; that his lordship swore himself to be a *batchelor* in 1796, to obtain a licence for his marriage with Lady Berkeley, denominated in the affidavit Mary Cole, *spinster*; and that with respect to the son born after that marriage his lordship in his own hand-writing minuted down the form for the registry of his baptism, expressly denominating him Lord Dursley, son of the Earl and Countess of Berkeley. The life of her ladyship was also traced in evidence from the death of her father, William Cole, (who lived at Wooton, in Gloucestershire), in December 1782, or Jan. 1783, her coming to London, her going into the service of Lady Talbot, afterwards in March 1784, into the service of Mrs. Foote, in Kent, which she quitted at the end of December 1784, and came to London; went to Gloucester in June 1785, and came to London again in the autumn of that year. Evidence was also given of declarations of Lady Berkeley and of Lord Berkeley, at different times, between 1785 and 1796, indicating that they were not married. Several witnesses were likewise examined to prove that

never heard any such banns published, nor were they heard by any one who was in the habit of attending Berkeley church at that period. The name of Augustus Thomas Hupsman, the Vicar of Berkeley, signed to the registry of the marriage, was declared by his widow not to be like his hand-writing, and the rest of the registry was proved to be in the hand-writing of Lord Berkeley, including the words "the mark of Richard Barns," who was stated to be a stranger, who had been called in to witness the marriage, but who, it appeared, had never since been heard of, and no such person was known. Evidence was likewise adduced to shew that Lord Berkeley was not acquainted with Lady Berkeley till late in the year 1785. Lady Berkeley having stated in her evidence that she became ill soon after her marriage, and continued so for a considerable period in London and at Gloucester, during which his lordship scarcely ever saw her; evidence was adduced to shew that her illness at Gloucester was of a trifling nature.

Witnesses were then finally called by the House of Lords, whose testimony went to shew that the first known intimacy between Lord and Lady Berkeley was not till the autumn of 1785, and one of whom, the Marquis of Buckingham, deposed to repeated conversations between his lordship and Lord Berkeley, in which the latter stated himself not to be married to the person then living with him, now Lady Berkeley, by whom he had children; and that he actually proposed to the Noble Marquis to become a mediator with his brother, Admiral Berkeley, to engage to marry his eldest son to an illegitimate daughter (by Mary, now Countess Berkeley) in which case he would settle the Castle

LES of the BANNs, and REGISTER of MARRIAGE, of the EARL of BERKELEY
and MARY COLE.
[Extracted from the Parish Books of Berkeley.]

(The Year 1) Page

N ^o . 45	
between	Frederick Aug ^s Earl of Berkeley of this Parish --
	Mary Cole of the same Spinster --
three Sundays underwritten:	
Monday, the 28 November	} 1784 Aug ^s Tho ^s Sturman & Purse
Monday, the 5 Dec ^r	
Monday, the 12 Dec ^r	

the Augustus Earl of Berkeley of this Parish

le of the same spinster

Richard - by Barns

with day of March in the year one thousand seven hundred
by five - by me Aug^s Tho^s the parson and vicar

we was solemnized between us

Berkeley

Mary Cole

W. Tudor

The mark of Richard Barns

ABSTRACT OF EVIDENCE,

&c.

THE first sitting of the Committee of Privileges commenced on Monday, March 4, 1811, when, Lord Walsingham being in the chair, the petition of WILLIAM FITZHARDINGE BERKELEY, claiming as of right to be Earl of Berkeley, Viscount Dursley, and Baron Berkeley, with his Majesty's reference thereof to the House of Lords, and the Report of his Majesty's Attorney-General thereunto annexed, were read. Afterwards, an instruction to the Committee was read, to consider in the first instance what proceedings ought to be directed by the House to be adopted, in order that due attention may be secured to any interest which any son or sons of the late Earl of Berkeley, born after the 16th day of May, 1796, may have in the dignities claimed, and that they do report to the House thereupon.—An humble address was also proposed to be presented to his Royal Highness the Prince Regent, to request his order that the Solicitor-General do attend the House on the hearing of the petition of William Fitzhardinge Berkeley, &c.

On the 7th of March the letters patent of nobility, granted to the Berkeley family in the reign of Charles II. were delivered in and read. After this, to prove that Frederick Augustus, late Earl of Berkeley, sat first in parliament on the 5th of June, 1766, Edward Parratt, jun. was called in. Then Sir Samuel Romilly proposing to prove the death of the late Earl, EDWARD JENNER, M.D. was called in, and being sworn, was examined as follows:

You attended the late Lord Berkeley in his last illness?
—I did.

When did he die?—On the 8th of August last.

Do you know that he died on that day?—Most certainly
I do.

After the necessary forms had been gone through, the House adjourned till the 8th of March, when the minutes of the last Committee being read, and the counsel called in, the Right Hon. MARY Countess of BERKELEY was called, and a chair being placed for her, her ladyship came to the table, and having been sworn by the Lord Chancellor, was examined as follows:

When was your ladyship first married to the late Earl of Berkeley?—On the 30th of March, 1785.

Where was that marriage solemnized?—In the parish church of Berkeley.

Who was the clergyman that solemnized that marriage?—The Rev. Mr. Hupsman.

Who were present at the time of the solemnization of that marriage?—My brother Mr. Tudor, and the clerk, and the late Earl of Berkeley.

Was it the regular clerk of the parish who attended on that occasion?—No, I believe not.

Does your ladyship know who brought that person there who officiated as clerk?—I understood Mr. Hupsman brought him there.

Does your ladyship know who that person was?—No, I do not.

Was the marriage duly registered at the time?—Yes, I think it was; I am sure it was.

Did your ladyship sign your name to that registry?—Yes, I did.

Then Mr. Serjeant Best, of counsel for the petitioner, proposed to produce the registry of the marriage of the Earl of Berkeley in the year 1785, not for the purpose of going into all the evidence relative to it, but that the Countess of Berkeley might speak as to the signatures thereto.

Whereupon EDWARD PARRATT, sen, was called in, and having been sworn, produced a book, intituled, "The Register of Marriages solemnized in the Parish Church of Berkeley, in the County of Gloucester:" and was examined as follows:

The witness turned to an entry in the same, which was read as follows:

"No. 74.—Frederick Augustus Earl of Berkeley, of this parish, batchelor, and Mary Cole, of the same, spinster, were married in this church, by banns, this thirtieth day of March, in the year one thousand seven hundred and eighty-five; by me,

Augustus Thomas Hupsman, Vicar.

"This marriage was solemnized } *Berkeley.*
"between us } *Mary Cole.*

"In the presence of *W. Tudor.*

"The mark of *Richard Barns.*

The entry was shewn to the Countess of Berkeley, and her Ladyship was further examined as follows:

Will your Ladyship state to the Committee whether the name "Mary Cole," affixed to that entry, is your Ladyship's hand-writing, and was written at that time?—Yes; and it was written at the time.

Will your Ladyship state whether the name "Berkeley," is the hand-writing of Lord Berkeley, and was written at the time?—Yes; it is the hand-writing of Lord Berkeley, and was written at the time.

Was the name, Augustus Thomas Hupsman, written at the time?—Yes; it is the hand-writing of Mr. Hupsman; and that name was written at the time.

Was the name of William Tudor, which your Ladyship will find there as a witness, written at the time, and by Mr. Tudor?—Yes, it was.

Was that marriage immediately avowed, or was it kept a secret?—It was kept secret.

When was it first proposed to the Earl of Berkeley that that marriage which your Ladyship has stated to the House was kept secret should be avowed?—I cannot exactly tell.

Does your Ladyship recollect, when it was proposed to Lord Berkeley that that marriage should be avowed, the reasons that Lord Berkeley gave for the further concealment of that marriage?—Yes, I do recollect them.

Have the goodness to state them?—Lord Berkeley gave me as a reason that the registry had been destroyed, and that it could not be avowed without great risk to the

In consequence of that communication from Lord Berkeley, was it determined that the marriage should still be kept secret?—Yes, it was.

Does your Ladyship recollect consulting with any and what professional man, and whom, respecting what was to be done under the idea of the registry having been destroyed?—Yes, I consulted Mr. Bearcroft.

When did your Ladyship consult Mr. Bearcroft?—I do not exactly recollect the date; it was before the second marriage took place.

Will your Ladyship be good enough to state to the House what advice Mr. Bearcroft gave upon that subject?—He recommended a second marriage, under the circumstances of the case.

Was that advice in writing?—No, I think it was not in writing.

The Attorney-General objected to the evidence.

Mr. Serjeant Best was heard in support of the same.

The counsel having withdrawn, were again called in; and the counsel for the petitioner were directed to proceed:

Did your Ladyship immediately acquiesce in the advice of Mr. Bearcroft, that there should be a second marriage?—No, I did not.

What were your Ladyship's reasons for not immediately acquiescing in that advice?—I thought it would be forsaking my eldest son, and giving up all possibility, in my own mind, of proving the first marriage.

In consequence of this, had your Ladyship a second interview with Mr. Bearcroft?—Yes, I had.

Did he get over those difficulties which existed in your Ladyship's mind, and how?—He did not quite get over the difficulties.

But did your Ladyship submit to his opinion?—He went to Brighton, and I determined to remain unmarried till he returned. Mr. Bearcroft did not then know who I was.

In consequence of the advice you had received from Mr.

avowed, or was it still concealed?—The marriage was still concealed.

Did your Ladyship take the title of Countess of Berkeley, or did your Ladyship pass by the same name you had formerly passed by?—I passed by the same name I had done before, and refused to be acknowledged then.

By what name did your Ladyship pass?—Miss Tudor.

Down to what period of time did your Ladyship continue by the name of Miss Tudor?—I cannot exactly tell to a few months, but I think about the latter end of 1797, or the beginning of 1798.

Is the Committee to understand that your Ladyship then assumed the title of Countess of Berkeley?—Yes; I did.

Was the petitioner then called by the title of Lord Dursley?—I cannot answer to a few months, but very soon after.

From the period when the petitioner was called by the title of Lord Dursley down to the present time, has he been called by the title of Lord Dursley?—Until his father's death.

Has he been in every respect treated from that time as the eldest legitimate son of the late Earl of Berkeley?—Yes; he was treated so from the hour of his birth, except in taking the title.

Does your Ladyship recollect the occasion upon which he was first called Lord Dursley?—It was in consequence of an opinion given by Lord Chief Justice Mansfield.

Your Ladyship was living with Lord Berkeley at the period of his last illness and death?—Yes.

Can your Ladyship form any opinion as to the cause of that illness?

The Attorney-General objected to the question.

Mr. Serjeant Best and Sir Samuel Romilly were heard in support of the question.

The Attorney-General was heard in reply.

The counsel having withdrawn, were again called in; and the Lord Walsingham informed them, that the question propounded ought not to be put.

Whether whilst Lord Berkeley was lying ill at Berkeley Castle, his Lordship did not dictate to your Ladyship certain letters?—Yes; he did.

How long before Lord Berkeley's death was it that

seven or eight days, but not to my recollection, for I thought it had been only three or four days.

Was Lord Berkeley then in such a state that it appeared to your ladyship he was satisfied he was about to die?—Yes; he was.

What did your ladyship do with the papers you took down from Lord Berkeley's dictation?—I gave them to Mr. Hughes, tutor to my children, by Lord Berkeley's desire.

Then a letter was shewn to the Countess of Berkeley, and she was asked,

Is that one of the letters?—Yes; it is.

Is that signed by the Earl of Berkeley?—Yes.

Does your ladyship recollect, that besides the one just shewn to your ladyship, which was addressed to Lord Craven, there was another addressed to his Royal Highness the Prince of Wales?—There was.

Was there any other letter addressed to any other person besides the one shewn to your ladyship of the 5th, addressed to his Royal Highness the Prince of Wales?—There was one to Admiral Berkeley.

Does your ladyship know whether that letter addressed to Admiral Berkeley was forwarded to Admiral Berkeley on his station abroad?—Yes; it was.

Your ladyship is understood to say that the letters you took down from the dictation of Lord Berkeley you delivered over to Mr. Hughes?—I did.

By Lord Berkeley's orders?—Yes.

Did your ladyship in consequence give any directions, and what, to Mr. Hughes?—Lord Berkeley desired me to take them to Mr. Hughes to have them written out, and to be returned to him (Lord Berkeley), for his lordship's signature.

Is the present claimant the first son of the marriage of which your ladyship has spoken?—He is.

The Countess having withdrawn, Dr. Edward Jenner was again called, and asked if he had seen the deceased Earl write? answered, Many times; and being shewn the entry in the registry of the parish of Berkeley, was asked if he believed that signature, "Augustus Thomas Hupsman," to be the hand-writing of Mr. Hupsman? answered in the affirmative. Of this signature he entertained no doubt; but he was not so confident of the rest of the entry being in Mr. Hupsman's own hand, who had a peculiar manner

Then the entry was read, and is as follows :

“ Banns of Marriage between Frederick Augustus Earl of Berkeley, of this Parish, Bachelor, and Mary Cole, Spinster, were published on the following days, namely, on Sunday the 28th of November.

Sunday the 5th of December.

Sunday the 12th of December 1784.

Augustus Thomas Hupsman, Curate.”

The book was delivered in and inspected by the Lords.

Dr. Jenner being asked if Mr. Hupsman, the deceased clergyman, left a widow and a daughter behind him ? answered, Yes ; and that both were living ; the latter being married to a Mr. Hicks, at Berkeley. He also recollected a man of the name of John Clark, being clerk at the time, whom he also thought was still living ; and that a man of the name of Pruett, officiated for some years for John Clark, as the lay clerk of the parish of Berkeley, but who had then been dead about seven years. Pruett died at Berkeley, and was by trade a mason,

Dr. Jenner being asked if he knew any thing of Barnes, a man whose *mark* was signed in the registry ? answered, Nothing whatever.

Dr. Caleb Hillier Parry, who also attended his Lordship in his last illness, confirmed the evidence given by Dr. Jenner.

On the 11th of March, the will of the late Earl Berkeley was brought into the House, from the Registry of the Prerogative Court of Canterbury, and John Hone, one of the subscribing witnesses, attested the same ; however, the Committee were of opinion that the question, Whether the will offered in evidence by the Counsel for the Petitioner be admissible, should be postponed.

Thomas Rudge being called in, and having been sworn, produced a book, indorsed “ Presentations, Sequestrations, Confirmations,” &c. in which the appointment of Mr. Hupsman and other clergymen succeeding to the living of Berkeley, was entered.

Then JOHN SCRIVEN being called in and sworn, was examined as follows :

Of what profession are you ?—A conveyancer.

and arrived at Berkeley on the 7th of March, the following day.

By whose direction did you go, at whose instance?—At the request of Mr. Boodle.

He was at that time Lord Berkeley's solicitor?—He was.

Will you state to the Committee what you found on arriving at Berkeley?—On our arrival at Berkeley we went immediately to the Castle, my Lord Berkeley's residence, and enquired for a Mr. Simmons, whom I then understood to be either the steward or bailiff of the Noble Earl. Mr. Simmons was absent. Mr. Carrington, who was with me, proposed that we should go down to the Parsonage House.

Did Mr. Carrington go from town with you?—He did; the object was to see whether the registries of the parish were at the Parsonage House or not; Mr. Carrington, as I understood, thinking it possible that they might not have been sent from the Castle to the Parsonage, agreeably to directions for that purpose that he had previously given.

You found them at the Parsonage House?—We there found the box that contained them. To the best of my recollection it was empty; I cannot positively state that as a fact. We then returned to the Castle, and left word that we were going down to the inn, desiring to be sent for as soon as Mr. Simmons returned. We were accordingly sent for, and Mr. Simmons informed Mr. Carrington, that the books were then in the custody of a Mr. Lewis, (I think that was the name) the curate of the parish. Mr. Carrington directed a porter at the Castle to go down to Mr. Lewis, requesting that the books might be sent up. Mr. Lewis came himself, but without the books; and, on Mr. Carrington's suggestion that they should be deposited in Lord Berkeley's evidence-room for safe custody, Mr. Lewis desired the same porter, I think it was, to accompany him to his house. In the mean time we went into his Lordship's evidence-room, and shortly after the books were sent to us: I believe they were five in number. We began our search, each taking a book; and I think that we went through the whole of the five books without making any discovery. We exchanged books. Mr. Carrington observed to me that he thought a book which he then had

the banns of marriage of the Earl and Countess of Berkeley. Encouraged by this, we resumed our search, and went together over one book. We observed, and I think it first occurred to me, that there was a puckering at the end of one of the books; and if I recollect right, there was an appearance of the cover of a letter, or some such thing, wafered upon that which appeared to be the cover of the book. I again took my penknife and opened a corner of it, and soon found that it was a registry, and then (perhaps rather carelessly) tore it up; and I think Mr. Carrington made a copy of it, and it proved to be the registry of the marriage. Having made a copy, we closed the books, and put them into this box, and then left the evidence-room. It was understood between us, that the motive of our coming to Berkeley, and our success, should not be spoken of. The inclination of my own opinion, I must confess, was to have mentioned it; but it was so agreed we should not speak of it; we accordingly went for a very few minutes into the Castle, and then proceeded to the inn, and took a chaise, and immediately came back to town.

Where did you leave the books?—In the evidence-room.

In the box you are speaking of?—I believe in the identical box.

The witness then requested permission to examine the registries minutely, as he had not seen them these ten years. Then the registry of the marriage was shewn to the witness, and having inspected it, he was asked,

Is that book which you are now looking at in the same state in which it was when you left it at Berkeley?—These seals were not upon it at the time we left it at Berkeley, nor was this writing at the bottom of the cover beginning with the words, "I, the Reverend Caleb Carrington," and ending with his name; and the certificate in the left corner, beginning with the words, "We do hereby certify," and ending with the name "I. A. Simmons."

This part is irregular or ragged; did you take any particular notice of that after you had turned up this leaf?—I did not pay any attention certainly to the circumstance of its being so ragged; but I perfectly well recollect tearing it up rather in haste, being flushed with success of finding it, and I am convinced that in doing so I tore it from the other part of the leaf.

part?—I recollect to have made that comparison once in this House, and then particularly from the indented parts agreeing, was convinced it had originally been a part of the book.

When you went to Berkeley, was it suggested to you by any particular person that you should look at any particular place?—It was not.

Did you observe that these letters that are wafered on were there at the time you first saw the book?—There was a paper wafered on, which I thought had been a cover of a letter. I have no doubt at all that this was the same paper which was on at the time we made the discovery; but I cannot call to my recollection the substance of what was written upon that paper, therefore it is impossible for me to swear that it is the identical paper, but I verily believe that it is.

Then the registry of banns was shewn to the witness, and having inspected it, he said,

This, my Lords, is the registry of the banns of marriage, which I have stated to your Lordships we discovered, and which first occurred to Mr. Carrington. There is some writing upon it, which was not there at the period we found it, beginning at the top with the words, "In Chancery," and ending with the word "Defendants;" at the bottom, beginning with the words "At the Examination," and ending with the name of "John Morgan of T. S. Deputy."

Is this the book you first spoke of, where you found two leaves fastened together?—It is.

In Mr. John Scriven's cross-examination on the 26th of April, being pressed to recollect his saying, that he understood at Berkeley that a person of the name of Barns was parish clerk, he acknowledged that he had not then, nor at any subsequent period, any direct means of knowing, but that he certainly understood that Barns did act as clerk.—Being asked who were the persons present when any conversation took place about Barns, he could not recollect any.—Mr. Scriven, so far from feeling any surprise at seeing the supposed mark of Barns, instead of his name, acknowledged, that he did not even ask any person on the spot whether Barns was or was not living, nor did he

Mr. Carrington, his companion. Neither did he communicate the circumstance of his having found the register to any one person.

The Reverend CALEB CARRINGTON was called in, and having been sworn, was examined as follows :

Are you now vicar of Berkeley?—I am.

How long have you been in that situation?—I was instituted to the vicarage of Berkeley on the 14th of January 1799.

Had you been in the family of the Earl of Berkeley previously to your being vicar of Berkeley?—From the spring of the year 1794.

In what situation?—As tutor to the elder children ; all there were at the time.

Do you, in the year 1799, recollect any conversation with the late Earl of Berkeley?—Certainly.

State to their Lordships any conversation you had with the late Earl of Berkeley respecting his marriage?—In the year 1799, about the beginning of February, the Earl of Berkeley was then arranging matters for paying his income tax, or delivering in an account of his income, and several conversations passed at that time between us on the subject ; in one of the last of them he observed, after having made deductions on other accounts, that he could not make any deduction on account of his children, though he ought to have done so.

Mr. Attorney General submitted that though the declarations of a father touching his family were evidence, yet his declarations of a particular fact were not admissible, and as the tendency of the question put was to draw from the witness proof of declarations of Lord Berkeley respecting particular facts, on that ground he submitted the evidence offered ought not to be received.

Mr. Serjeant Best of Counsel for the petitioner stated, that the enquiry he was making was with a view to the declarations of Lord Berkeley, as to his marriage, and the children by that marriage.

Mr. Attorney-General stated, that if offered in that view he had no objection to it ; but the answer given appeared to be going in a different direction.

Will you state what the Noble Earl said on that occa-

that he ought to have made, among other deductions, a deduction on account of his children, as they were really born in wedlock, though they had passed as otherwise born.

Have the goodness to state what Lord Berkeley further said on this subject?—Lord Berkeley further said, that a marriage had taken place between him and the lady who was the mother of the children some years before, I do not know that he particularized the year, but before the birth of the children, but that the said marriage was totally void on account of having never been registered.

Lord Berkeley made that observation?—Yes he did.

Do you recollect what further passed on Lord Berkeley making that observation?—I said I thought the marriage might be capable of proof by other means; he said No, it could not, since the Marriage Act.

Did you press him to take the opinion of counsel on that subject?—I proposed that immediately.

Who was the counsel whose opinion you proposed taking?—Mr. Mansfield.

Now the Lord Chief Justice of the Common Pleas?—Yes.

Do you know whether the opinion of Mr. Mansfield was taken on that subject?—I believe at that time Lord Berkeley was so positive in his opinion, that a marriage without registration was totally void, that he refused to comply.

Did he afterwards comply?—Afterwards, on a subsequent conversation which I took an opportunity of having as early as I could, he consented that I should write to Mr. Mansfield.

(*By a Lord.*) When was that conversation?—I believe the next day, it was the first opportunity I had of conversing with his lordship.

Then a letter was shewn to the witness, and he was asked by counsel, Is that the letter you received from Sir James Mansfield in answer to your letter?—To the best of my knowledge it is: I have no doubt that this is the letter in answer to a letter written by me.

When did you receive it?—About the 14th of February 1799.

The letter was read and is as follows:

‘Sir,

‘Temple, February 13th.

but it is void if it was not performed in a parish church, or if there performed without banns being published or a licence, the publication of banns or a licence being necessary to make a marriage valid.

‘The single witness now surviving may be sufficient to prove the marriage. The parties, in a case so circumstanced that they can be examined, may also prove the marriage, but this can hardly happen in the lifetime of the husband, because the only question which can produce an enquiry into the truth of the marriage must be owing to some claim made by the children as legitimate, and such claim can hardly be made during the life of the husband; after his death his wife might be examined to prove the marriage in support of such claim by the children. It does not appear to me that any bill can be filed to perpetuate the testimony of these witnesses. I do not know that a signing the declaration proposed in the register where the baptisms of the children born before the second marriage have been registered will be of any use, but it cannot I think do any harm, and therefore it may be advisable to make the declaration, and if made, it should express not only the fact of the first marriage, but the reason why it was supposed not to be valid. The same sort of declaration, if any, should be made where the baptism of the children born since the second marriage is entered, to explain the reason of the difference in the registrations prior to the second marriage. You do not give me your direction, but I collect it from the date of your letter. I am,

‘Your obedient humble servant,

‘*J. Mansfield.*

‘I have answered your questions on account of the singularity of the case, but it is quite of course to do so, and it is unpleasant, because, for want of explanations, often necessary, opinions so given are hazardous and lead to error.’

Do you recollect afterwards consulting Mr. Mansfield on this subject?—Lord Berkeley afterwards consulted him on the subject, not myself.

Mr. Carrington being asked by counsel, Where he found the registry when at Berkeley answered —“When I re-

morning. [Then the witness produced a paper, and proceeded as follows:] ' On the 7th of March 1799, I arrived at Berkeley from London with a gentlemen named Scriven, appointed by Mr. Boodle, but a stranger to me, for the purpose of examining in the most accurate manner possible the parish books, and among papers of the late Mr. Hupsman, if any such were to be met with, for a registration of the marriage of the Earl of Berkeley, which I was informed had been entered and attested in the parish book in the year 1785, but by permission of the parties either concealed or destroyed, by Mr. Hupsman. Having obtained from Mr. Symonds the key of the evidence room at Berkeley Castle, where I had been informed some papers of the late Mr. Hupsman had been deposited, I examined them in company with Mr. Scriven repeatedly with all possible care, but could find no trace or memorandum of the marriage. I then sent John Mills, the porter at the castle, to the Rev. Mr. Lewes's, the curate at Berkeley, to fetch the parish register books to us. Instead of sending the books, as desired, Mr. Lewes came in person but without the books, alledging that he often wanted them, and that it would be less trouble to him to keep them at his house. I told him that he might keep the books that were in use at his house; but the old books which had been filled up some years, and were done with, had better be kept for safety till I came to reside at the vicarage house, in the evidence room, under the care of Mr. Symonds, in a strong oak box I had provided, and which I shewed to him, where, by application to Mr. Symonds, Mr. Lewes could have access to them at all times. Of this Mr. Lewes approved, and John Mills the porter was again desired by Mr. Symonds, who was present, as well as Mr. Scriven at this conversation, to go to Mr. Lewes's house for the old books, which he did, and brought them to Mr. Symonds, who gave them to me in the presence of Mrs. Crouch then housekeeper; they were five in number, some of them registers of banns and marriages, some of baptisms and burials. After spending a considerable time in fruitless search in the common way of searching, expecting to find one name after another, first one of us examining a book and then the other, by turns changing the books from one to the other, when one had

edge with a sharp penknife by Mr. Scriven, was discovered to be two leaves pasted together round the edges; we soon opened them and found the entry of the banns by Mr. Hupsman, of which we immediately took a correct copy, which we signed with our names; after this we had hopes that the long sought-for entry of the marriage might still be found, and we began our search again if possible with still more diligence than before: the result was favourable to our labours, for we discovered it concealed in the inside of the cover of the book upon the pasteboard; it appeared to have been written between lines ruled with ink for the purpose upon the last blank leaf of the book, but the wrong side upwards, which made me suppose that, at the time of the entry, the book might be reversed, and this appear to be the first entry made in it. The leaf appeared to have been divided in a line from side to side without separation from the binding. Another marriage was entered upon the upper side of the same leaf on the part left uncovered; the piece of the leaf covered which contained the entry was turned down upon the pasteboard cover of the book like a strap, the writing downwards; upon this was pasted a half-sheet of paper, which, to a slight observer, effectually hid the strap, and the whole seemed the original cover of the book, over which an old paper was stuck with wafers. We were led to the discovery by a small pucker or two, and a small rising of the paper, not knowing whether there might be any thing under, or if any thing, in what manner it might be placed. We happened to open the bottom of the book first, by which means we tore the entry from the book, of which I am certain it had been part, by comparing the parts separated and the indents exactly fitted each other. After taking a correct copy, we left the entry fastened to the cover of the book by a blank leaf or half sheet of paper that had been pasted over; we locked it with the other old registers, as I had promised Mr. Lewes, in the strong oaken box, and I gave the key of the box and the key of the evidence room to Mr. Symonds in the presence of Mr. Scriven and Mrs. Crouch, and set out immediately for London in company with Mr. Scriven.

Point to the other entry of marriage you allude to?— This is it (*pointing to it*); the date of it is the 21th of June in the year 1790. Then *pointing to the marriage*

After a short absence from Lord Berkeley's house at Berkeley, on account of some difference, Mr. Carrington returned, and continued to live in the family. In consequence of acknowledging this, he was asked whether, during the five years intimacy which he had with Lord Berkeley, he ever learnt from him, or his lady, that there had been any marriage prior to that of 1796, or that any one of the children then born were legitimate? he answered, never.

Did not you, said the Solicitor General, always collect from him the contrary?—No, I think not; it was a dubious matter.

By what name did Lady Berkeley go?—By the name of Miss Tudor.

It was dubious whether she was married, or not, going always by the name of Miss Tudor?—When she went by any name at all, it was that of Miss Tudor; but she did not in the family always go by that name.

The only name by which you heard this lady called was that of Miss Tudor?—She was addressed sometimes by letter as Lady Berkeley, and sometimes I believe people personally addressed her as such, but I cannot point out who they were.

Did you ever address her as Lady Berkeley?—Never.

Did Lord Berkeley ever address her so?—He usually called her "Mary," and when he asked for her he used to ask "Where is the Lady, or, your Lady?"

Did any of the company with whom they associated ever address Lady Berkeley by that title?—Most well-bred people addressed her by neither title, but as Madam.

But none of them were so well-bred as to address her as Lady Berkeley?—When they enquired after her, the usual way was "Where is the Lady, or the Lady of the Mansion?" or, if at Berkeley Castle, "Where is the Lady of the Castle?" but never positively as Lady Berkeley.

How were your pupils called?—The eldest was called by his father Fitz, and the others by their christian names.

How did you address them?—The eldest by the name of Berkeley, the others by their christian names.

Did you at any time during those five years address the eldest of them by the name of Lord Dursley?—No.

Did you ever hear any person address him by that name?

Never.

prior to 1799, speak of either of those children as legitimate children?—Never.

Did you ever hear either of them address the eldest of them as Lord Dursley?—Never.

Nor represent him to any body in the family as Lord Dursley?—Certainly not.

When you became the private tutor, did Lord Berkeley give you any directions how you were to treat the eldest of his children?—None at all.

But he was always called in the presence of Lord Berkeley, and behind his back, either by the name of Berkeley or the name of Fitz?—I think so; I recollect no instance to the contrary.

You remember the marriage which took place in the year 1796?—I was present at it, and a subscribing witness.

Prior to that marriage taking place were you requested or employed by Lord Berkeley to have any conduct or management of that marriage?—Yes.

What?—To examine what was the best method of getting a marriage privately celebrated for him out of his own parish.

Did you upon that occasion consult with any proctor respecting the marriage?—Yes, with Mr. Toller.

Were you then instructed by Lord Berkeley, in the year 1796, in applying for the licence for the marriage, to represent that he had been married before?—Certainly not.

Did you go with Lord Berkeley to the place where he took his oath in order to obtain the licence?—I did not.

Where was the second marriage; was it not in the parish of Lambeth?—It was.

Who was the clergyman who performed the ceremony?—Mr. Lloyd.

You were present at the marriage?—Yes.

For several months prior to the marriage where had Lord and Lady Berkely been living?—I do not recollect that; they were at Spring Gardens at the very time; but where they had been for several months before I have no recollection.

Were you not in their family?—Yes.

Do you mean to say, that at any time prior to 1796, either of them resided for any time in the parish of Lam-

Did you ever see Lord or Lady Berkeley at any time in that house in the parish of Lambeth.—Never.

Was not their ordinary residence in Spring Gardens in town, and Cranford or Berkeley in the county, during the whole time you knew them?—If you mean where they slept, I cannot tell; in the day-time they were at Spring Gardens usually, whether constantly I cannot recollect.

Have you any reason to believe that prior to that period they were living out of their own house?—When I had taken a lodging for them in another place, it was not very improbable they might sleep in it.

Do you believe they ever did sleep in that lodging?—I know not whether they did or did not.

You were at that time in their family?—I was.

You had access to their family at all times of the day?—I was sometimes in their family, and partly in my own.

You had your meals in the family; you breakfasted, dined, and supped with the family?—I am not sure whether at that time I did; my health was so bad I could not dine at their hour. Breakfast I usually had in the family; supper I had none.

Did you ever miss them at breakfast?—Very possibly they might be absent; they might be at Lambeth without my knowledge.

Do you recollect the circumstance of Lord and Lady Berkeley being absent from breakfast?—I cannot say whether they might or might not, I have no recollection; it is possible they might.

The question is not, whether it is possible, but whether you, who always breakfasted in the family, remember that either of these parties was ever absent from the usual breakfast in the family?—I cannot recollect whether they were absent occasionally.

You cannot remember the fact of their being absent?—No.

After the marriage had taken place, at which you were present in the year 1796, you continued to live in the family till the year 1799?—I believe longer; but not to sleep in the family.

Were you present at his baptism?—I baptised him myself at Berkeley Castle.

Had he been baptized before in London?—That I knew not at the time: but I have since heard that he had been privately baptized at St. Martin's in the Fields.

Were you, at the time of the birth of that child and the baptism, in London, in the family?—I should apprehend I was; but part of the time after I married I left the family as soon as my business was done; perhaps by eleven or twelve o'clock in the day, and resided in a house of my own.

Was not the christening at Spring Gardens?—I know nothing of that; there was no keeping of the christening to my knowledge there.

You do not recollect that the first child, born of that second marriage, was baptised at Spring Gardens?—I have heard so since, but did not know it at the time; I believe it is not usual to keep any ceremony at the time of naming a child; it is a very short ceremony.

Do you happen to recollect which of the two it was that discovered the registry of the marriage?—I think I was the first that saw the banns, and Mr. Scriven the first who saw the registry of the marriage. Mr. Scriven opened it, but I think I discovered the thickness.

As far as you recollect the two leaves, containing the banns, being together, was first discovered by you, but the opening by Mr. Scriven?—I think so.

With respect to the registry that was discovered by Mr. Scriven?—He sat down, and I looked over his shoulder, it was nearly together; but I think it caught his eye first.

Had not you before that particularly examined the first leaf in every register book in the course of that examination?—Yes, every book had been examined before by, I believe, both of us.

Whether prior to its being discovered, your attention was particularly directed to the examination of the first leaf of each book?—Lord Berkeley in the direction he gave to me stated, that as far as he recollected, it was in the first leaf of the book.

Did you, upon that direction, particularly examine the first and the last leaf, for it might be at either end; supposing you opened at the one end or the other. as you opened

him and Lord Berkeley's family had been broken off a year before his death, I should think.

Was there any dispute between them?—There was a good deal of coolness between them in consequence of his behaviour; I understood that Lady Berkeley had represented that she could not live under the same roof with a man of his habits and manners.

Were they afterwards on better terms?—Yes; Lord Berkeley had been promised by the late Mr. Pitt, the living of Beverstone, in the county of Gloucester, whenever it should fall, for Mr. Hupsman; it did fall in the year 1794, and he came to Portsmouth, where the family then were, which was the first time of my seeing him, that brought him about the family again.

When was that?—I cannot precisely say; I believe it was in the end of the year 1794.

When was it the breach took place between them?—I cannot tell; it was some years before I went into the family. I do not know that it was precisely a breach; Lady Berkeley was disgusted with his manners, which were rather licentious.

It was about a year before his death that he totally left the family?—Yes, he was living under the name of Harris with the divorced wife of a Mr. Willmot, a Master in Chancery, somewhere near Henley. He died in 1798.

Where was he living then?—Somewhere near Henley, with Mrs. Willmott; the last quarrel he had with Lord Berkeley, which banished him the house entirely, was, I believe, in February, 1797.

There was a quarrel that banished him the house entirely in February, 1797?—Yes.

Then he finally quitted the family?—Yes.

Re-examined.

You have stated that Lady Berkeley previously to the year 1796 was called Miss Tudor, and that the claimant was called Mr. Berkeley; was there any difference after the marriage in 1796?—None at all.

Was she still called Miss Tudor?—For a considerable time; I do not know how long.

Was the claimant still called Mr. Berkeley or Fitz Berkeley?—Yes.

In what respect?—When there was any favour to be granted to the other children it was to be asked by him.

Was his birth-day kept?—Yes, it was always a day of great rejoicing, and there were a hundred or a hundred and twenty people invited.

Was the birth-day of any one of the children born after the second marriage kept?—None at all.

Was the claimant's birth-day celebrated in the same way after the second marriage as before the second marriage?—Exactly the same.

You have said, when asked as to the situation of Lady Berkeley in the family previously to the second marriage, that it was dubious; what do you mean by that?—She acted in every respect as the wife of Lord Berkeley; she acted as mistress of the family; she acted as mistress of the property; but she was not called Lady Berkeley, which caused the ambiguity.

You have been asked whether you made any enquiries as to Barns, did you ever ask Lord Berkeley who Barns was?—Never.

When did you first hear of the name of Barns?—I believe I did understand, but whether from conversation with Lord Berkeley, I do not know, that he was some soldier that was quartered near the place, and that Mr. Hupsman got to serve as clerk, but that is mere hearsay; I know nothing of it.

The Right Honourable Sir James Mansfield, Lord Chief Justice of the Common Pleas, was next examined as to a letter from the Rev. Mr. Carrington, relative to his opinion on a marriage under particular circumstances; this letter he acknowledged; and further, it appeared he had been consulted by Lord and Lady Berkeley three or four times.

Mr. JAMES ALEXANDER, an Attorney, being called in and sworn, the following questions were put to him:

Were you in the year 1799, whilst an investigation was going on in this house employed by Mr. Boodle, to make any enquiries as to Richard Barns?—I was desired by Mr. Moore a barrister, in the month of June 1799, to be an assistant to Mr. Boodle in going down to Berkeley to en-

What steps did you take to find Richard Barns?—I left London on the 14th of June 1799, and went down to Berkeley; I went first to the castle and enquired among the servants there; and then I enquired particularly of the people of the village of Berkeley after this person of the name of Richard Barns.

Did you advertise for him?—Two or three days afterwards, not finding any person of that name at Berkeley, I went from thence to Bristol, and employed a printer there, to print several thousand bills, advertising a reward for any person who could give the least information where Richard Barns was to be found, one of which bills I have in my pocket.

Did you distribute bills of this sort over different parts of the country?—I employed a printer at Bristol, an attorney at Gloucester, and an attorney at Bath, to get these bills distributed, and had large quantities stuck up in different places at Bristol, Bath, and Gloucester.

Did you direct them to be stuck up at the turnpikes?—As I returned from Berkeley through Bristol and Bath, I left a great number of them at the different turnpikes; I caused advertisements also to be put into the provincial papers at Bristol, Bath, and Gloucester.

Did you ever find or hear of Richard Barns?—No, I never heard of any person of that name.

Then the printed paper produced by the Witness was read as follows:

“ MARRIAGE.—*Richard Barns.*

“ Whereas one Richard Barns appears to have been presented in the month of March 1785, (that is fourteen years ago), at a marriage solemnized in the parish church of Berkeley in Gloucestershire, and to have acted as clerk on that occasion, the late Mr. Hupsman being then vicar of the said parish, any person giving information to Mr. Routh, Printer, Shannon-court, Corn-street, Bristol; Mr. Cheeseman, Attorney, Bath; Mr. Rudge, Attorney, Gloucester; or, Messrs. Bleasdale and Alexander, New Inn, London; where the said Richard Barns may be found, shall immediately receive

“ TWENTY GUINEAS.”

Being cross-examined he said he heard that Barns was

The Countess of Berkeley being called in, was asked if there was any distinction or difference in the treatment of the children born before the second marriage and those born afterwards?—None whatever.

Was there any difference in respect of the keeping of the birth-day of the claimant?—The birth-day of the eldest son of the first marriage was always kept.

Was the birth-day of any other child kept in the same manner?—Never.

Was the birth-day of the eldest son of the first marriage kept in the same way from the time of his birth up to the time of his coming of age?—From the time of his birth.

Was it kept in the same manner after the second marriage as before?—Perfectly the same after the second marriage as before.

Cross-examined by Mr. Solicitor General.

The period of the birth of the eldest son was in the month of December?—Yes.

About Christmas?—Yes.

The birth-day was kept at Berkeley?—After the first year at Berkeley; it was at Cranford the first year.

Were many people invited at Berkeley at Christmas time at that period?—All the tenants.

Is that the celebration of which your ladyship speaks?—There was a ball given every year to the servants and to the tenants.

When the ball was given, and the guests arrived, was there any distinction in the denomination of the eldest son in his being called different from any of the others of the family, by his surname or his christian name?—I do not recollect that there was; but he was always considered and taken into the great hall, as the eldest son of the family.

Was he ever introduced to any person prior to the year 1799, as Lord Dursley, or so denominated?—I cannot be certain as to the date of the year, but it was about that time, and I think not before; I would not be understood to tie myself down exactly to a year.

But at all the successive meetings when the whole tenantry were invited and a great number of persons present, he never was introduced as Lord Dursley?—I do not recollect that he was.

It has been understood that, at that period, and prior to

name by which you were addressed was Miss Tudor?—Yes, I wish not to be tied down particularly to the date of the year.

Perhaps your ladyship can enable the House to form some judgement of the time before which you went constantly by the name of Miss Tudor?—I think I dropped the name of Miss Tudor about a year after the second marriage.

And at that same period did Lord Dursley first take the name of Lord Dursley?—Not quite immediately.

Is it to be understood that prior to about a year after the second marriage neither your ladyship nor the claimant ever went the one by the title of Lady Berkeley; or the other by the title of Lord Dursley?—Not strictly so.

How was it then?—Many persons wrote to me as Lady Berkeley, trades-persons and others, whom I cannot immediately recollect.

But did the gentry and persons who visited Lord Berkeley address your ladyship by any other denomination prior to the period you have mentioned than that of Miss Tudor?—I should think some did, but I cannot answer the question more directly.

Was it not generally that your ladyship went by the name of Miss Tudor?—I have already said so in my evidence.

Did your ladyship ever take the name of Tudor, prior to the marriage with Lord Berkeley?—No, I do not think I was ever called Miss Tudor till after my marriage with Lord Berkeley.

Your ladyship's maiden name prior to that was Miss Mary Cole?—Yes.

From her ladyship's evidence it appeared, she had either been living in lodgings in Mount-street and South-street, or at her sister's, Mrs. Turner, in Charles-street, Berkeley-square, from December 1784, till March 1785. She also acknowledged visiting Mr. Aubert, at his country house, near Islington, in company with Lord Berkeley, and also knowing Mrs. Powell, whose name was afterwards Manning, who had been housekeeper to Mrs. Foote; but could not recollect the circumstance of Mrs. Manning's visiting her in London.

At Berkeley?—Yes:

How long had your ladyship been at Berkeley before the marriage took place?—I arrived at Newport from London the night before.

Was Lord Berkeley in London when your ladyship left London, or did he go to Berkeley before your ladyship?—I met him at Berkeley; he was in the church when I arrived there.

How long prior to that had you seen him?—I cannot answer that question.

Was it a week, a month, two months, or three months before?—It was not long, but I cannot distinctly say how long.

Will your ladyship have the goodness to state, whether by “not long” you are to be understood it was not a month before, or two months, or three months, or a week?—I think I had seen Lord Berkeley within a week, or a fortnight, but I cannot answer that positively upon my oath.

You had seen him in London?—Yes.

Does your ladyship know how soon after you had seen him in London, Lord Berkeley went into the country?—No, I do not know.

About a week or a fortnight before was the time you had last seen Lord Berkeley?—I wish not to be tied down too strictly as to time; I cannot remember more distinctly.

For how long had your ladyship been acquainted with Lord Berkeley?—Ever since I was a girl at school.

Where did your ladyship first become acquainted with Lord Berkeley?—At Mrs. Clark’s boarding school, in Gloucester.

In what year?—I cannot answer that question.

Perhaps your ladyship may be able to recollect how long before the marriage, or the circumstance of your own age may enable you to state about what time?—No, I cannot state about what time.

Does your ladyship recollect how old you were at that time?—I do not at this moment recollect.

Did the acquaintance continue from the time of Lord

At what place was it?—Many years have passed, and I cannot more distinctly answer that question.

Was it in Gloucester, in London, at Berkeley, or where?—Wherever I was Lord Berkeley found me out or followed me.

Does your ladyship mean to say that Lord Berkeley was in the habit of visiting your ladyship while you were at Gloucester?—I left Gloucester to avoid him.

At what house will your ladyship have the goodness to state, Lord Berkeley came to visit you before you left Gloucester to avoid him?—The only place I recollect to have seen him at Gloucester, was at the house of Mr. Parker, surgeon of his lordship's regiment.

Excepting that place your ladyship never remembers to have seen Lord Berkeley visiting you at any place in Gloucester?—I have seen him constantly, but I cannot answer the question more distinctly upon my oath.

At what house in Gloucester had Lord Berkeley been in the habit of visiting your ladyship, before your ladyship left Gloucester?—There are ways of pursuing a lady without visiting her at any particular house.

Am I to understand Lord Berkeley did not come to the house where your ladyship was visiting during the time you were at Gloucester?—I do not think he did at that period; I left Gloucester for good in the beginning of the year 1784.

To what place did your ladyship go when you went from Gloucester, for good at that period?—I went into Kent.

Did your ladyship continue in Kent from that time, to the end of December 1784?—Yes I did.

During that interval was your ladyship in the habit of at all coming to London?—Never.

Your ladyship then was under the roof of a lady of the name of Foote?—I was.

During the whole time, from the time of your ladyship leaving Gloucester, which was in the month of March 1784, till the month of December 1784?—Yes.

During the whole of that time your ladyship is understood to have been in Kent, and never to have been at all in London?—No, never.

How often during that interval from March to Decem-

When?—Either in September or October, but I cannot exactly say which.

Where did your ladyship see him?—At a village called Lenham, or some such name, about two miles from the place where I resided.

How came your ladyship to meet Lord Berkeley at that village?—I feel a difficulty in answering that question.

It is understood your ladyship left Gloucester, for the purpose of avoiding Lord Berkeley?—I did.

Did your ladyship go accidentally to this village, or on purpose to meet Lord Berkeley?—I went on purpose.

Then, except that time your ladyship did not see Lord Berkeley during the whole time you were in Kent?—I corresponded with him.

Has your ladyship got any of the letters?—No, not one.

But your ladyship never saw Lord Berkeley personally during that interval, but that one time?—I do not recollect at this distant period of time that I did, but it is a long time ago.

Your ladyship has said you saw Lord Berkeley about a week, or a fortnight prior to the 30th of March, when your ladyship was married, that was the last time your ladyship had seen Lord Berkeley immediately before the marriage?—I think I said so, but I desire not to be tied down too particularly to time.

Prior to that week or fortnight, or whatever it might be, and subsequent to the end of December 1784, when your ladyship came up from Kent; can your ladyship recollect whether you had been in the habit of seeing Lord Berkeley frequently?—I had been in the habit of seeing him frequently, but I cannot say how frequently.

Was your ladyship in his company in the presence of any person, your ladyship can name?—No, I do not think I was.

Is there no one person now living who had ever seen your ladyship in the company of Lord Berkeley prior to that time?—I do not recollect at this distant period that there is.

About what time in the morning or day was it that the marriage took place?—I think as well as I can recollect, that it was between the hours of eight and nine in the

1785, did your ladyship live with Lord Berkeley regularly?
—No.

Where then did your ladyship live after the marriage had taken place?—I had a lodging in George-street, Hanover-square.

Did your ladyship immediately after that marriage come to that lodging in George-street, Hanover-square?—The first two days after my marriage, I think I went to Kew, and to Hampton Court, with my husband; after that I think I went to George-street: I have some faint idea that I might have gone to Mount-street, or perhaps South-street.

It is understood that after the marriage had taken place, you came up to London?—I did.

How long did your ladyship continue to live in London?—I went for the summer of 1785 to Gloucester, I believe in May, but am not quite clear.

From the month of March 1785, to May 1785, your ladyship was constantly resident in London?—Not constantly.

Where then, if not in London?—I was with my husband in the neighbourhood of Kew and Hampton Court.

Not at any place of residence that Lord Berkeley had?—No, not till after I returned from Gloucester in 1785.

But in point of fact, wherever it was, either at Kew, Hampton Court, or London, your ladyship was, immediately from the marriage, constantly living with your husband?—No, I did not say so; on the contrary, I was very ill, and we did not live much together.

At what time was your ladyship very ill?—I continued very unwell for three months after I was married.

At what place had your ladyship that illness?—I was ill at Gloucester after I was married. And before I went to Gloucester I was ill in London.

During that interval your ladyship is understood to have said, that you first went with your husband to Kew or Hampton Court, and then came to live in lodgings in London till the month of May, when your ladyship went to Gloucester?—Yes; I do not mean to tie myself particularly to the date of May, but about that period.

Your ladyship is understood to say, that you were taken ill soon after the marriage, and whilst you were in London?
—Yes.

By whom?—I cannot recollect at this period, so many years have elapsed.

Was it by one person, or more than one?—I was attended by one.

Was it an apothecary or a physician?—I cannot recollect.

Not even that circumstance, whether it was a physician or an apothecary?—Not upon my oath, at this distant period.

Was he in the habit of daily visiting your ladyship?—I cannot answer so minutely.

Your ladyship may remember whether the state of your health was so bad as to require the daily attendance of a medical person?—I was unwell, but on that subject I cannot answer more fully.

If the state of your ladyship's health was such as to produce a temporary separation from Lord Berkeley, I presume it was such as to require the constant daily attendance of a medical person?—I cannot here give a more distinct answer to that question, but I could give an answer to Dr. Denman, or any person of that description, who would see me on the subject.

Was there any person of the description, or in the line of business of Dr. Denman in the profession, in attendance on your ladyship?

The counsel and witness being ordered to withdraw, were again called in, and her ladyship was informed, there was no intention to ask her as to the nature of the disorder, but,

Who was the medical person who attended her ladyship in town from the time of her marriage to the time of her going to Gloucester?—I do not know the name of the medical person who attended me at that time, it was a medical person who was sent to.

How long did that medical person attend your ladyship?—I went to Gloucester in the month of May, consequently it could not have been above a month.

Had your ladyship occasion to call in any medical man when you were at Gloucester?—Yes; Mr. Parker.

Is he living or dead?—He is dead.

Had your ladyship occasion for the attendance of any other medical person at Gloucester or Berkeley?—No.

by Mr. Parker?—Mrs. Farren, my sister, had a house in Southgate-street, I think the name of it is, the street leading to Berkeley.

How long did your ladyship continue with that sister?—I was at Gloucester till August or September as nearly as I can recollect.

And continued during the whole of that time at the house of Mrs. Farren?—Yes; till the month of August or September.

Was your ladyship visited by Lord Berkeley?—I saw Lord Berkeley in Gloucester during that period.

How often?—I cannot say how often.

From the month of May to the month of August or September was three or four months, during that time is it to be understood, that Lord Berkeley visited your ladyship at Mrs. Farren's house, had any meals with you, or lived with you there?—No.

Where was Lord Berkeley?—I was very unwell, and cannot answer to where he was.

How often, or nearly as your ladyship can recollect during that interval from May to August or September, may your ladyship have seen Lord Berkeley?—I saw him several times, but I cannot exactly say how often.

At Mrs. Farren's house?—Yes; and at Mr. Parker's; he was the medical person who attended me in Gloucester.

In what month was it your ladyship saw Lord Berkeley in that interval?—I do not recollect.

Did your ladyship see him ten times during that interval?—At the distance of six or seven and twenty years, I cannot answer upon my oath as to how many times I saw him.

Does your ladyship think it was ten times your ladyship saw Lord Berkeley during that interval?—I cannot answer that question more distinctly.

Can your ladyship recollect the name of any one person who saw Lord Berkeley in company with your ladyship at either of these houses?—I do not think there is any person now living who did see Lord Berkeley in my company at either of those houses except my brother, who saw him once at the house of Mr. Parker.

Your ladyship means Mr. Tudor?—Yes.

Was Mr. Tudor living at Gloucester when your ladyship

A lodger at Mr. Parker's?—He was to have been brought up as a surgeon; and he was living then with Mr. Parker to learn his profession as a surgeon.

And he saw your ladyship once with Lord Berkeley at Mr. Parker's?—Yes, I think he did.

Can your ladyship recollect any person who saw Lord Berkeley from May to August or September 1785 at Mrs. Farren's house?—I cannot recollect any one. When he was there care was taken that nobody saw him.

Had your ladyship at that time any servant attendant upon you?—I had my sister's servant. The house was in fact mine, because I paid the rent of it.

To whom did your ladyship pay the rent?—The money I gave to my sister Mrs. Farren, or to my brother.

So that Mrs. Farren paid the rent, but receiving the money from your ladyship?—Yes, I paid it to Mrs. Farren or to my brother, one or the other.

Does your ladyship know who was the landlord to whom the rent was paid?—No, I do not know who was the landlord.

Does your ladyship know what the rent was that was paid?—No, I do not recollect what the rent was.

Mrs. Farren is dead?—She is.

Is the servant who attended Mrs. Farren living?—I do not know, indeed.

During the whole time your ladyship was there, from May to August or September, your ladyship cannot tell the name of one tradesman or servant of any description who saw Lord Berkeley at that house?—Every care was taken that nobody should see him.

By what name did your ladyship go, while you were at that house?—I think by my own name. I think that persons who knew me called me Miss Cole.

Constantly?—I cannot recollect, but I rather suppose so.

After the marriage, and when your ladyship had taken the name of Miss Tudor, does your ladyship mean to say, that from the time of your coming in May to Gloucester till you left it in August or September, you went constantly by the name of Cole?—I do not recollect; those who knew me, I think, must have called me by the name of Cole.

Does your ladyship recollect any person calling you by any other name?—No, I do not at this time.

Was your ladyship's sister unacquainted with the marriage?—While I was in Gloucester my sister was unacquainted with the marriage.

From May to August or September 1785?—Yes.

When was your ladyship's mother acquainted with the marriage?—In 1786, so far as I recollect; but I am not speaking positively that she had a knowledge of it at that time.

Was your ladyship living with your mother at the time it was settled that there was to be a marriage?—No.

Where was your ladyship's mother then living?—In Gloucester, I believe; I was in Kent when it was settled that I was to be married; and my mother was then in Gloucester.

Where was Mr. Tudor living at the time it was communicated to him that there was to be this marriage upon the 30th March, 1785?—If he was not with Mr. Parker he must have been living with his sister, Mrs. Farren, at that time.

Does your ladyship know who communicated to him that there was to be this marriage on the 30th of March, 1785?—I did it myself before the banns were published, and before I left Kent, by letter.

Does your ladyship recollect in what month it was that you communicated that circumstance to Mr. Tudor?—When I wrote to him, it was fixed on what days the banns should be published, because I was anxious that he should go over to Berkeley to hear them published.

Was it fixed at that time on what day the marriage should take place?—No.

When was that communicated to Mr. Tudor?—It was communicated from London, but I cannot fix the exact date.

In what month?—I think in March; I am certain it was in March.

That was by letter too?—It was.

How old was your ladyship's brother at the time he was made the confident of this secret?—I cannot tell, but it may be easily known.

About the age of sixteen?—I do not know exactly at this moment, but I think it may be about the age mentioned.

Your ladyship had at that time two sisters and a mother living?—Yes.

And other female relations?—No, not that I recollect.

Your ladyship was living with Mrs. Turner, one of your sisters?—I do not know that I can be said to have been living with Mrs. Turner, because I had lodgings.

You had access to her daily?—I do not know that I had daily, but frequently.

Your brother was at that time in Gloucester, and Mrs. Turner your sister was living in London?—Yes.

Why did your ladyship prefer to have as a witness of this marriage your brother, a boy of sixteen, rather than one of your sisters or your mother?—Because I thought I could best depend upon my brother.

When did your brother leave the country and go abroad?—I think the beginning of 1787, as nearly as I can recollect, it was after the birth of my eldest son.

Does your ladyship recollect at what period it was that that brother first took the name of Tudor?—It was the latter end of 1784, or the beginning of 1785; I know that when he was at Mr. Parker's, he always signed his name Tudor in Mr. Parker's day-book.

At what time did he first go to Mr. Parker's?—I think that I have already stated it to be the latter end of 1784, or the beginning of 1785.

Prior to that time he always went by the name of William Cole?—I cannot answer that question, because I was not in Gloucester.

Perhaps your ladyship may know what name your own brother went by before that time?—I always understood that he was christened Tudor, I have heard so at a very early period before any unexpected change took place.

What circumstance induced your ladyship to take the name of Tudor?—It was my husband's pleasure.

No other reason than that?—My brother's name being Tudor, I believe, was the reason for it.

Do you recollect any one person who ever called your ladyship's brother Tudor before the marriage?—I was not with him for a year before the marriage.

Had your ladyship prior to that ever heard any person

Your ladyship does not recollect any member of the family, or any person who had ever before called him by the name of Tudor?—No; I do not recollect any thing about it.

He was always called by the name of William Cole?—I cannot say that he was; I was not with him.

How came he to take up the name of Tudor in 1784?—I always understood that we had relations of the name of Tudor, and I remember once going to Malvern Hills to visit an aunt; I had always understood from my eldest sister that there was some relation of the name of Tudor, but I cannot take upon me to answer more distinctly.

Your ladyship will have the goodness to state who that aunt was?—I cannot state who that aunt was, but I remember being taken to Malvern Hills when I was quite a child.

Does your ladyship recollect in what situation that aunt was?—I think she was in a very good situation; she was living in a temporary residence at Great Malvern.

A single person?—I cannot recollect whether she was single or married; she had a temporary residence at Great Malvern.

Does your ladyship know where her usual residence was?—No, I do not.

During the time your ladyship was at Southgate-street at Mrs. Farren's, from the month of May to the month of August or September following, does your ladyship remember being visited by any barrister there?—Yes; I do:

What was his name?—Fendall.

Was your ladyship previously acquainted with him?—I cannot recollect whether I saw him once or twice. He drank tea once or twice at my sister's.

Had your ladyship ever been acquainted with him prior to the time of his coming to drink tea with you?—I cannot recollect whether I had or not, or whether my sister had met him or not.

Did he come alone or with any other gentleman?—I think he came alone.

Did he repeat his visits?—I think he was there twice, as far as I recollect.

Did your ladyship ever correspond with him?—I wrote one letter to him.

Where?—He went the circuit, and wrote to me.

Has your ladyship a copy of that letter?—No; but I should like to read to the House of Lords, a letter which I wrote to a friend of his to shew him, six months ago, in consequence of his having taken great liberties in representing the transactions, because I am sure no blame or spot whatever can be attached to my character.

Your ladyship recollects having written one letter to him?—Yes; I did; and if it could be produced, that would at once clear up the whole thing, without my producing the letter to which I have now alluded.

Your ladyship never sent, through the medium of any person, to desire to have your letter delivered up to you?—No; but I heard Mr. Fendall had talked on the subject by insinuation, and not speaking out, that he knew a great deal of Lady Berkeley; and I wrote a letter to Mr. Westfaling, stating the transaction, which letter was put into Mr. Fendall's hands, and he sent his compliments back to me, and that he knew no more of the circumstances of the marriage than what I stated in the letter.

Requesting to know whether the letter she had mentioned might be read,

Mr. Attorney-General submitted it was not admissible: but left it to the decision of the House.

Then her ladyship was informed, that in point of form the letter could not now be read.

Your ladyship spoke of being acquainted with Lord Berkeley when you were at Mrs. Clark's school; was Lord Berkeley living in Gloucester at the time you speak of being acquainted with him; at the time your ladyship was at school?—I do not know if he was then living in Gloucester.

At any time prior to your ladyship's leaving Gloucester for good, was he at any time resident in Gloucester?—I cannot answer that question.

Was not your ladyship sufficiently acquainted with Lord Berkeley to know where he lived?—No; I was avoiding him by all means in my power.

Was that the case at the time your ladyship first became acquainted with him?—I cannot answer that question.

Will your ladyship try to recollect whether Lord Berkeley was with the militia, then assembled at Gloucester, when your ladyship became acquainted with him?—I cannot recollect.

Your ladyship remembers the militia being embodied at Gloucester?—Yes, at times, certainly.

Can your ladyship recollect when you first saw the militia embodied at Gloucester?—No, I cannot.

How long before the marriage?—I do not know that I ever saw it before the marriage, at any certain period of time.

Your ladyship does not recollect having seen Lord Berkeley in Gloucester, with the militia, before the marriage?—I cannot say whether I did or did not; I dare say that I have; but I desire not to speak positively on my oath to that fact.

Whether it was a year, or two years, or three years before, your ladyship does not precisely recollect?—I do not know any thing of the militia.

The question is, Whether your ladyship saw Lord Berkeley in Gloucester, with the militia, before the marriage?—I dare say I did.

After your ladyship went to London, in the month of August or September 1785, where did you go to?—I had a lodging in George-street, Hanover-square.

That lodging was taken by Lord Berkeley?—Yes, it was.

Did your ladyship continue to live there for some time?—I remained there while my house in Park-street was preparing for my reception, and in the beginning of 1786 I went to that house.

From the beginning of 1786 to December 1786, where did your ladyship live in London?—In Park-street.

All the time?—Yes; unless I went to Cranford, which I do not at this time recollect; I know that I did at times go to Cranford from London.

Is it to be understood that your ladyship, after your return to London in August or September 1785, lived alone, in lodgings provided by Lord Berkeley, until the birth of

No female lived with your ladyship?—No female lived me certainly.

Does your ladyship recollect how you went up to London in August or September 1785?—No; I do not recollect.

Was it in the Stage?—I rather think it was.

Does your ladyship recollect being met by a porter at the Gloucester coffee-house when you arrived?—No; I do not remember having been met by a porter at the Gloucester coffee-house.

Does your ladyship recollect to what house you went from the Gloucester coffee-house on your arrival when you alighted from the stage?—To Mount-street or South-street; I rather think Mount-street, one of the lodgings I have mentioned.

The question related to your going to London in August or September 1785?—No; I did not understand that; if it was meant after I had resided in Gloucester I went to George-street.

Is that the time your ladyship went in the stage-coach?—Yes; I think it was a machine called a Diligence.

Without any companion?—I think so.

There might be casual travellers; but there was no person went with your ladyship to London?—No companion of my own.

Where did your sister Turner live at that time?—I cannot tell.

Did your ladyship cease to be acquainted with her on your return to London in 1785?—I cannot say I ceased to be acquainted with her; the last time I ever saw her was in 1786.

Did you not continue to be on the same friendly footing with your sister Turner on your return in August 1785 as you had been before?—Not quite.

Did you visit one another?—Seldom.

Was your ladyship in her house?—Yes; when my eldest sister came from Gloucester she was there.

Was your ladyship yourself ever living in the house of your sister Turner after you came to London in August or September 1785?—No; not after August or September 1785?

Before that marriage took place in what parish were Lord Berkeley and your ladyship resident?—In Spring-gardens, where I live now.

Was your ladyship constantly resident for some time before that marriage took place in Spring-gardens?—Except when I was at Cranford or Berkeley Castle, those and Spring-gardens were the usual places of our residence.

Did you for six months prior to the marriage in 1796 reside at any other place at all?—Perhaps I might be at Weymouth, but I cannot exactly point out.

The question is four or five months prior to May 1796?—I might have been at Berkeley; I was not in London; I think I was not at Lambeth.

But in one of the three places your ladyship has mentioned?—Yes.

Where was the first son that was born after the second marriage baptized first?—At St. Martin's in the Fields.

Had he been privately baptized at Spring-gardens?—I forget whether he was or not.

Does your ladyship recollect whether any private instructions were given by any body for the name by which he was to be baptized?—No; I do not recollect.

Was your ladyship present when he was baptized?—Yes; I am sure I was.

What name was he baptized by?—Thomas Morton Fitzhardinge.

No other name?—No.

Was he not baptized by the name of Lord Dursley, or that name inserted in the register?

Mr. Serjeant Best objected to the question, stating, that the registry was the proper evidence.

Who, if any body, gave directions for his being registered by the name of Lord Dursley?—I do not recollect at this period; but if I had been consulted I should not have objected.

Does your ladyship recollect whether you did or not know that he was registered as Lord Dursley?—I rather think I did know it; but I would not speak too positively.

Does not your ladyship know that it was by the direction of Lord Berkeley himself given in writing that he was registered Lord Dursley?—No; I do not know it; if it was so I do not know it.

called by the name of Lord Dursley for any considerable time?—Never.

After he was registered such?—Never.

Can you account for how he came to be registered by that name?—The impression upon my mind at that time was, that there would be no possibility at that time of proving the first marriage, or I should never have entered into a second.

Does your ladyship mean to represent that that was your impression after you had consulted Mr. Bearcroft?—Yes, the same as before, that in all probability I should never be able to prove the first marriage.

Did your ladyship state at the time to Mr. Bearcroft, that there was living at least one witness who was present at the marriage?—Yes I did; but I likewise stated, that the registry of the marriage was destroyed.

But that there was a witness living, who was present at the marriage?—Yes, certainly; but that the marriage in consequence of the registry being destroyed, could never be brought forward in the life-time of that clergyman.

Your impression after having seen Mr. Bearcroft was, that not being able to produce the registry, you never could substantiate the marriage, although there was a living witness who was present at it?—Mr. Bearcroft did not say that a marriage could not be proved without the registry; he gave me to understand, that a marriage might be proved by other means without the registry; but my first marriage could not be brought forward in consequence of the registry being destroyed in the life-time of the clergyman; but he recommended a second marriage very strongly under the circumstances of the case.

Is it to be understood, that those were the sentiments and expressions of Mr. Bearcroft?—He recommended a second marriage most strongly, certainly.

Did Mr. Bearcroft represent that the first marriage could not be brought forward during the life of the clergyman?—I told Mr. Bearcroft it could not; and I told him why.

Then that was your ladyship's expression, and not Mr. Bearcroft's, that the marriage could not be brought forward during the life of the clergyman?—Yes, that was my ex-

Did Mr. Bearcroft besides send any written opinion to your ladyship or Lord Berkeley?—No; he did not know who I was.

Does your ladyship recollect Mr. Carrington having the care and tuition of your ladyship's children?—Yes.

Upon what occasion was it that Mr. Carrington quitted that situation, when he shortly after returned to it?—It was on account of the salary; he wished for more salary than Lord Berkeley chose to give.

Your ladyship, in your original examination, stated, that there were reasons for concealing the first marriage, which continued till the year 1794?—Yes.

What were those reasons?—They were the same reasons as my husband in his life-time was excused from giving to this house.

What were those reasons which produced a temporary concealment of the marriage?—Mr. Serjeant Best as counsel for the claimant, informed the committee, that, on the former enquiry, Lord Berkeley stated, that there were particular reasons for concealing the marriage, but which, to avoid wounding the feelings of a particular person, he did not wish then to bring forward; to prove, however, that they did exist, he had communicated them in private and amongst others to His Royal Highness the Prince Regent.

The counsel were informed that if he meant to make that statement as a ground of objection to the question being asked, it was no legal objection.

Mr. Serjeant Best stating that he did not offer it as a legal ground of objection, he was informed that the counsel were to put such questions as they might think proper to propose, and if not improper, the committee would entertain them.

Then her ladyship withdrew.

The House having adjourned to the 2d of May, her ladyship was again examined, and was asked,

What were the reasons, if any existed, which induced the concealment of the marriage in 1785, from the year 1785 to the year 1794; and which concealment terminated

not so till the year 1794; but there were other reasons which my husband gave to me afterwards.

Will your ladyship have the goodness to explain how the situation of your sister operated as any reason for the concealment of your own marriage?—I am unable to answer that; it was not in my mind, but in the mind of my husband.

How did your ladyship's husband state that that was any reason for the concealment, the situation of your sister?—It being so extremely disgraceful to myself.

That that sister was living under the roof of a gentleman to whom she was not married?—Yes.

And that was the reason assigned by Lord Berkeley for not making public his marriage with your ladyship?—Yes.

How long did that reason continue to operate?—Till my sister married, as I have stated.

That sister then married?—I have said when, in a former answer.

That sister was married in the year 1794?—I believe she was.

Your ladyship mentioned there were other reasons for the concealment of the marriage; what were the other reasons assigned by Lord Berkeley besides the situation of your ladyship's sister?—My husband on his death-bed told me that he married me at the time to get possession of my person; it never having been the intention of him, at the time he married me, to acknowledge me as his wife.

The question it was wished to have had answered was, whether Lord Berkeley at the time assigned any other reason for the concealment of the marriage than the situation of your sister; by "at the time" is meant the interval between March 1785 and the year 1794?—From the time of my marriage to the time of my sister marrying; that, and the inferiority of my birth, I should rather suppose, were the causes; those were the reasons Lord Berkeley assigned at that time.

Were there any other reasons which terminated in the year 1794, except the circumstance of your sister's altered situation?—No, I do not think there were.

Whether, posterior to 1785, your ladyship did not point of fact live under the roof of that sister to whom you

That was in the year 1784; the question is, whether your ladyship went to that sister, or under her roof, at any time subsequent to March 1785, when your ladyship states you were married?—I was married; but I never lived with my sister after I was married; and before that I had a lodging.

That sister lived in London?—I cannot tell where she lived after I was married, in any distinct place after the year 1785.

What was the Christian name of that sister?—Susanna.

Whether, when your ladyship returned to London from Gloucester about the latter end of 1785, you did not return to the house of that sister?—No, not to live there.

Did your ladyship board with that sister, or take your meals with that sister?—After I returned from Gloucester in 1785, no.

Did not your ladyship visit that sister at her house or lodgings after your return from Gloucester the latter end of 1785?—I did visit her, and took great pains to deliver her from her situation, till the beginning of 1786; and from that time I never saw her.

Was it with the knowledge of Lord Berkeley that your ladyship visited that sister?—Lord Berkeley was quite as anxious to remove her from her situation as I was.

Then, except as occasional visits, you were not sleeping, or taking your meals with her?—I might have dined with her, but certainly was not living with her.

Your ladyship means, you did not live with her for a week at a time?—No, I think I never was in the house of my sister for a week together, after I returned from Gloucester in the year 1785.

Whether, when your ladyship went down from London to Newport the day before your marriage, you went with anybody or alone?—I went from London alone, and arrived at Newport the night before the marriage.

Going alone?—Yes.

How did your ladyship travel?—I travelled to Oxford in a stage coach, and from Oxford in chaises.

With or without any companion?—No companion; there might have been travellers in the stage coach.

Your ladyship had no female servant or acquaintance in either part of the journey?—No.

Your ladyship stated you remained at Newport the night before the marriage?—Yes.

Were you alone at the inn, or did any body of your acquaintance meet you there?—I was alone at the inn at Newport.

How did your ladyship go over the next morning to Berkeley?—I walked with my brother.

Had your ladyship ever been at Berkeley before?—Never.

Your brother is Mr. William Tudor?—Yes.

He had not been with your ladyship the night before?—No, he came that morning.

From whence?—From Gloucester.

Where were your ladyship's mother and two sisters at that time?—One of my sisters and my mother were then at Gloucester.

That was Mrs. Farren?—Yes.

Was she living with her mother at that time?—No, she was living with her husband.

But Mr. Farren might be living also with your mother?—She might have a lodging, or she might be living with my sister.

Did your ladyship see that sister, in any part of the journey?—No.

Did your ladyship, at any subsequent time in the course of that year, see that sister Susannah at Gloucester?—Yes, in Gloucester.

What part of the year was that in?—It must have been when I was there in the summer, for I was only there once after my marriage.

Upon what occasion did she come down to Gloucester?—I cannot indeed answer that question.

Did she continue any time there?—I do not think she staid more than a week; but I am not clear upon that point.

Where was your ladyship's sister during that week? In the same house with your ladyship?—I think in the same house with me.

During that time was Lord Berkeley in the habit of of seeing your ladyship?—I cannot speak with certainty at this distant period.

Can your ladyship recollect where Lord Berkeley re-

When he was not at Berkeley, does your ladyship know where he was?—No, unless he was at Gloucester.

Where was he at Gloucester?—If he was at Gloucester, he was at the King's Head at that time.

Your ladyship continued at Gloucester, from the month of May to the month of August or September following?—I think it was.

Were you in the habit of being visited daily or weekly by Lord Berkeley?—Not weekly, for I was extremely ill for four weeks whilst I was there.

How often do you think you saw Lord Berkeley at that time?—At this distance I cannot say.

Did his lordship take his meals with you?—No, nobody knew that his lordship visited me there.

Does your ladyship think he visited you twenty times?—I cannot at this distant period answer that question.

Did his lordship see you at intervals of a week, or once or twice in the week?—Not so often.

Was it once or twice in a month?—I do not know how to answer that question.

The enquiry is respecting the communication with your own husband; was you therefore in the habit of seeing him?—I cannot answer that more fully. I went to Gloucester to suppress a rumour of my marriage, which at that time had gone abroad, that I was married, and to remove my family; and there it will appear by Mr. Parker the surgeon's books that I was extremely ill, particularly with a sore throat, for a month or six weeks.

Did Lord Berkeley know that?—Yes he did.

During that time your ladyship cannot state how often his lordship saw you?—I am sure that I never saw Lord Berkeley while I was confined with that sore throat.

Was it a severe illness?—It was enough to confine me to the house.

Your ladyship had at that time no female servant attending upon you?—No, none. My sister had two female servants; I had none of my own. I went for concealment.

Would not your ladyship have been better concealed if you had remained in London?—It was my husband's wish I should go there.

Could not your ladyship's family have been removed to

Did he know that he was to visit you only by stealth while you were there?—He did.

Did Lord Berkeley prefer your going to Gloucester, where he could see you only by stealth, to your remaining in London, where he could see you every day?—Must I answer that question.

The question was repeated?—If he had not preferred it he would not have sent me there.

Your ladyship states, that you went to Gloucester by the request of your husband; when Lord Berkeley desired your ladyship to go to Gloucester, does your ladyship know whether his lordship was apprized that at Gloucester he could see you only by stealth?—Yes, certainly.

At what time was it when your ladyship's female relations, your mother and your two sisters, were made acquainted with your living with Lord Berkeley?—One sister, my sister Farren, and my mother, when they came to London; my other sister we did not care about; but my eldest sister opened a letter for my brother from myself, before she left Gloucester, from the contents of which she was certain I was married; it was signed "Mary B."

When was that?—It was in 1785, because my sister removed for good in that year.

In what part of 1785?—After I left Gloucester.

Did that lead to any communication with your ladyship's mother and sister, as to the footing your ladyship was on with Lord Berkeley?—My sister told Mr. Parker, the surgeon who attended me, that she knew I was married from that circumstance; he had attended me, for I had left Gloucester when I wrote that letter.

Your ladyship is understood to have said that the marriage was at first kept a secret from every body besides your ladyship's brother; from your mother and sisters?—Yes, surely.

Both the marriage and your ladyship's living with Lord Berkeley were kept secret from every body except Mr. Tudor?—No, for my family removed from Gloucester to London in 1785, and they knew I was living with Lord Berkeley; but the confidence they had in me, with the letter that my sister opened to my brother, impressed their minds so strongly that I was married, that they never doubted it, and they thought the situation of my second sister was the cause of the concealment.

mother or to your sister the circumstance of your marriage?—I told them to have confidence in me ; that they knew I had never done wrong, and they might depend upon it I never would ; and my word was never doubted by any one of my family : that is true.

After your marriage, and after your ladyship's family, your mother and sister removed to London from Gloucester the latter end of 1785, did they then know that your ladyship was living with Lord Berkeley?—Certainly they knew that ; my mother and my sister knew that.

Why not both of your ladyship's sisters?—I am sure my sister Farren did, because she had seen the letter ; I cannot tell whether the other sister did.

Did not your other sister know that your ladyship was living in London?—When I was in London I dare say she did.

When your ladyship's sister Susannah Turner was living in London, did she know that you were living in lodgings provided by Lord Berkeley?—I dare say she did.

Whether either your ladyship's mother, or either of your sisters, asked your ladyship on what footing you were living with Lord Berkeley?—My sister Farren never would ask that question after she saw the letter, but she never doubted the fact of my marriage.

Whether, in point of fact, either of your ladyship's sisters or your mother ever asked you any question upon the subject?—We have had frequent conversations upon that subject ; particularly with my mother ; for she went to reside with me in Park Street, two months before I lay-in of my eldest son.

The question is, whether in 1785, when your ladyship's mother and your two sisters were made acquainted with your living with Lord Berkeley, whether at that time either of them ever asked your ladyship upon what footing you were living with Lord Berkeley?—Not my two sisters ; I said before, only one was acquainted with it.

That is not an answer to the question?—I think I have answered that question before, as to my eldest sister.

Your ladyship's answer before was understood to have been directed to the year 1786?—My eldest sister never asked me.

confidence in me, and she never doubted me; I do not recollect that my mother ever asked me the question positively.

Is it to be understood from your ladyship that your mother did not at that time (the latter end of 1785) directly ask the question of you upon what footing your ladyship was living with Lord Berkeley?—I wish to know whether I have not answered that question already.

Whether your ladyship's mother at that time directly put the question to your ladyship, upon what footing you were living with Lord Berkeley?—I do not recollect at this moment that she did.

Did your ladyship communicate to your mother then, or at any subsequent time, and when, the fact of your ladyship being married?—I wish to know whether by fact is meant the statement of the fact.

The question only means whether your ladyship communicated to your mother that you were married to Lord Berkeley?—I do not know that I did in distinct terms, but I gave her to understand as much.

When for the first time?—I do not remember any particular conversation till I wished her to live with me in Park-Street, about three months before I lay-in.

Was that in October 1786?—I think it was about the middle of the year 1786; I dare say I could learn, but, as at present informed, I think it was about three months before I lay-in.

Whether Lord Berkeley came into the country before or after your ladyship, at the time of the first marriage in March 1785?—I should think he must have been there before; I only arrived the night before.

Had your ladyship seen him in London within a week before?—I should think within eight or nine days, because we settled the plan of the marriage; I understand I have answered the question before.

Her ladyship being questioned, whether she could say precisely how near before she quitted London she had seen Lord Berkeley? answered in the negative, excepting that she did not think it more than two days that he continued with her after the marriage; she then saw him again in the course of two or three days more. To the question whether she had any female attendant or friend with her? she an-

they were living. Excepting these she saw no female friend, attendant, or relation at her lodgings then.

Immediately after the marriage, it also appeared there was an interval of five days or a week in which her ladyship did not see Lord Berkeley. Being asked if, during the time she staid in London, Lord Berkeley took his meals at her lodgings? she answered, never, unless when they sometimes went into the country together, or when he breakfasted with her, which he did occasionally during the first month.

Her ladyship being asked whether, prior to the latter end of 1785, she could state the name of any one person, male or female, then living, who had seen her ladyship and Lord Berkeley together, excepting her brother, Mr. Tudor? she answered, if it was meant after the marriage, she knew of no other person. Her ladyship observed, that if the last question was intended to comprehend the whole period of her life before the end of 1785, she could not recollect any body but her sister, Mrs. Turner, and her brother; the servants, she said, might be living, but she did not know that. Being asked whether that sister was in the kingdom? she said she had heard that morning she was not. Her ladyship could not specify any servant whom she believed to have been acquainted with Lord Berkeley's seeing or being with her.

She was then asked the following questions :

Will your ladyship endeavour to recollect if you can, whether at any time your ladyship applied to Lord Berkeley, earnestly requesting his lordship to marry you?—No, never.

Is your ladyship quite sure of that?—Yes, certainly.

In the year 1796, or at any time intervening between 1785 and 1796, did your ladyship ever make any such earnest intreaty to Lord Berkeley?—No; I refused to marry him a second time frequently after the first marriage.

Did your ladyship at any time express, pointing to your ladyship's children, that but for those ties your ladyship would not live with Lord Berkeley upon the footing you did, or words to that effect?—Not unless I was alluding to the concealment of the first marriage.

riage was not publicly made known till about the year 1798-9?—I do not think I was understood to have said so.

About what time was the marriage publicly made known?—I think I said in 1797 or 1798; I think that was the answer I gave before.

Was it publicly made known till after the death of Mr. Hupsman?—Yes, I think it was, but I am not certain, for I do not know the year he died.

The question was, whether the first marriage in March 1785, was made publicly known before or after the death of Mr. Hupsman?—After the death of Mr. Hupsman; it must have been after his death.

Whether any settlement or provision was made for your ladyship before the first marriage?—I should think there was.

Will your ladyship have the goodness to state your reasons for thinking there was, and who was employed on that occasion?—I have no particular reason, but I should think my husband would have taken care of me and my children.

The question meant to be put was, whether any instrument of any kind, any paper, or any writing of any sort to your ladyship's knowledge, was executed by Lord Berkeley prior to the marriage in March 1785, or for some years after, and when?—I never saw any thing of his Will till after Mr. Foster had made it.

Did your ladyship see any other instrument?—No, I do not recollect at this moment.

Or hear of any having been executed by his lordship at the time spoken of, March 1785?—No, I do not think that I did.

Mr. Attorney General being asked if he had any questions to put to the Countess Dowager of Berkeley, said he had not.

Examined in reply.

Your ladyship has said that you did not directly tell any of your relations of your marriage with Lord Berkeley in the year 1785; whether Lord Berkeley required your ladyship not to tell any of your relations?—Yes, he did.

Was that the reason why your ladyship did not tell them?—Certainly.

Your ladyship has been asked respecting a conversation

mother that you were married, did you indirectly satisfy her of the fact?—Yes, or else she would not have gone to live with me.

Was that before the birth of the claimant?—Yes, it was.

Your ladyship has stated that Lord Berkeley gave as a reason, why the marriage was not to be made known, the situation of your sister Mrs. Turner; did Mrs. Turner, in the year 1794, marry the gentleman under whose protection she had previously been, or another gentleman?—I could not answer, I know so little of her.

Does your ladyship know whether Mrs. Turner lived after that respectably in the world; the question is not as to the name or the person?—I have heard so, but I never have had any communication with her; I have heard that she is very much respected.

When that alteration took place in the circumstances of Mrs. Turner, was Lord Berkeley pressed to avow the marriage?—Very strongly by my brother.

What reason did his lordship then give for further concealing the marriage?—The destruction of the registry, and the difficulty he felt of bringing the clergyman to punishment.

Your ladyship has stated that immediately after your marriage you were unwell; the question is not meant what the nature of the illness was, but whether it was that sort of illness that you considered as dangerous?—No, I believe not.

Although not dangerous, was it such that in the opinion of the medical person it was unfit Lord Berkeley should cohabit with your ladyship?—Yes, it was.

How many times does your ladyship recollect that you saw that medical person?—I cannot answer at this moment, my husband sent him to me.

Your ladyship has stated that you several times refused to marry Lord Berkeley a second time; will your ladyship state the reason for that refusal?—I thought it was making it more difficult to prove the first; and it was forsaking my eldest son.

Was any date given to the marriage when it was first announced?—No, but it was always understood to be from my first living with Lord Berkeley.

ladyship uncertain whether you lived in one or other of those streets, or do you mean to say that at different times you lived in both those streets, and are uncertain only as to whether the circumstances alluded to took place whilst you lived in one or the other?—I had a lodging in one street after the other; the woman where I first lived died, and then I removed to the other.

Does your ladyship recollect whether, after you returned from Gloucester, you lived in George-Street, Hanover-Square?—Yes, I did.

Here her ladyship corrected a mistake as to one of the sponsors of her son, Lord Dursley, by mentioning Lord Ducie instead of Lord Euston. She was for some time ignorant that Morton Fitzhardinge Berkeley was registered as Lord Dursley; but said, had she known it, she would have made no objection, as she thought at that time there was very little probability of ever proving the first marriage; but still she was anxious to prove that *some* of her children were legitimate. It further appears that it was not till after her ladyship had three children, that she knew her second son was christened Fitzherbert instead of Fitzhardinge, when she sent for the clerk of St. George's, Hanover-square to see the registers, which he brought to Grafton-street, where the mistake in the register of her second son was corrected.

Respecting letters stated by her to have been received from Mr. Bearcroft, as to any opinion they contained of the marriage, or any other subject, the Attorney-General waved this question, as did also Mr. Serjeant Best.

On the 3d of May, counsel being called in, Mr. Serjeant Best stated that he would now propose to offer in evidence, as the declaration of the late Earl of Berkeley, a deposition made by Frederick Augustus late Earl of Berkeley, upon a bill filed in the Court of Chancery, between the Hon. William Fitzhardinge Berkeley, commonly called Lord Dursley, the Hon. Frederick Maurice Fitzhardinge Berkeley, the Hon. Augustus Fitzhardinge Berkeley, and the Hon. Francis Henry Berkeley, infants, under the age of twenty-one years, by the Right Hon. William Lord Craven, their next friend, plaintiffs: and Thomas Moreton Fitzhardinge Berke-

George Cranfield Berkeley, and George Henry Frederick Berkeley an infant, his son, by the said George Cranfield Berkeley his father and guardian, defendants; and which bill was filed for the purpose of perpetuating testimony of the legitimacy of the said infants, plaintiffs, in the said bill.

Mr. Solicitor-General stated, assigning his reasons, that he felt it would conduce more to the truth and justice of the case before the Committee, and that in so doing, he should not abandon the true interests of his client, if he waved, as he was anxious to do, all objection to the document now offered being received in evidence, upon the ground on which it was tendered, being understood at the same time to confine himself solely to the admission of this individual document.

Mr. Attorney-General being asked if he had any objection to make to the evidence offered, stated, that he felt it his duty, for the reasons he assigned, to object to the said deposition being received as a declaration by the late Earl of Berkeley.

Mr. Serjeant Best and Sir Samuel Romilly were heard to state the grounds upon which they contended that the same should be received. And Mr. Attorney-General being heard in reply; the counsel for the petitioners were informed, that, in order to entitle them to have the deposition read at all, they must produce the bill and answer in the cause.

The counsel for the petitioner stated, they had on a former occasion tendered the bill and answer in evidence, as well as the deposition in question, and now expressly tendered the same.

The counsel were afterwards informed, that the Committee had propounded a question to the learned judges upon the subject matter of the evidence last offered on behalf of the petitioner; which the judges had desired time to answer, and therefore they must now proceed with the rest of the evidence.

Upon which ANN GARDINER was called in, and stated that Mr. John Best, a beneficed clergyman, who did duty as curate of Bromsgrove in 1784, was her father; that he had died thirteen years ago; but that a certificate affixed to the cover of the book, containing the registry of Lord Berkeley's marriage, was, with the signature, her father's hand-writing. Being cross examined she stated

ber, 1784, was her father's hand-writing, as was also the other paper pasted on the cover of the book.

WILLIAM TUDOR was afterwards called in, and having been sworn, was examined as follows :

Are you any relation to Lady Berkeley?—Brother.

Were you present when any marriage was solemnized between Lady Berkeley and any other person?—I was present when she was married to the late Earl of Berkeley.

When was that?—On the 30th of March, 1785, to the best of my recollection.

Then the registry of the marriage was shewn to the witness, and he was asked,

Is that signed by you?—Yes.

When did you sign it?—At the time of the marriage.

Was that signed immediately after the ceremony of marriage had taken place?—Immediately afterwards.

By whom was the name of Thomas Hupsman signed?—By the clergyman who officiated.

And the name Berkeley?—By the late Earl of Berkeley. In your presence?—Yes.

And the name Mary Cole?—By my sister.

Did you see that mark, Richard Barns, put to the entry?—Yes.

By whom was that put?—A stranger to me, and I have never seen him since.

Was that stranger present when the marriage took place?—Yes, he was.

Were all those signatures at the same time?—The whole I have already mentioned.

Those are all the signatures to the entry?—Yes, the whole of them.

At what time of the day did the marriage take place?—I believe it was at about nine or ten in the morning; I cannot be very positive.

Did you go alone into the church?—No I did not; I went with my sister.

From what place did you and Lady Berkeley go to the church?—From the inn at Newport.

went from Gloucester on the same morning before I went to the church.

How came you to go from Gloucester to Berkeley that morning?—I went in consequence of a letter I had received from my sister.

What became of Lady Berkeley after the ceremony of marriage had taken place?—I returned with her to Newport, and left her there.

Had you been present at any time in Berkeley church before the marriage took place?—I never was in Berkeley church before; but once before.

What was the occasion of your going to Berkeley church that time that you were there before the marriage took place?—The occasion was likewise in consequence of a letter I had received to hear the banns published.

From whom did you receive that letter?—From my sister.

Have you those letters?—No, I have not.

Did you upon that occasion hear those banns published?—Yes, I did.

Do you recollect when that was?—I cannot speak to the day, any further than it was on a Sunday.

About how long was it before the marriage took place?—It was rather a considerable time, I believe some months.

You have said that the church at Berkeley is about a mile from Newport; is it necessary in passing from Newport to the church at Berkeley, to pass through the village or town of Berkeley?—No, it is not.

It is understood the road from Newport to Berkeley does not lie through the town?—It certainly does not; the footway.

The way you went with Lady Berkeley does not lie through the town?—No, it does not.

Did you upon any occasion consult the late Mr. Bearcroft on the subject of Lady Berkeley's marriage?—Yes, I did.

Did you consult him in person?—Yes, I did.
Was any verbal opinion given to you by Mr. Bearcroft on that occasion?—Yes, there was.

Do you recollect what that opinion was, and

At what time was that second marriage?--I do not recollect the precise date.

Cross-examined.

Were not you examined in this House in the year 1799? --I was examined in this House in the year 1799.

Do you remember, then, after being asked what your name was, to which you said William Tudor, that you was asked, "How came you to bear a different name from your sister?" the question is, Whether you did not answer, "I was christened Tudor, and took that name from that cause, and the desire of some of my relations?---Yes, I did.

Do you now mean to state that you were christened Tudor?---I have every reason to believe so, any further than I have searched after the registry, since that period, but have not been able to find it.

Where have you searched for the registry, which you have not been able to find?---Near Gloucester.

In what place?---At two particular churches, which I was informed were the most likely places to find it.

Do you know that the registry of your baptism was produced in the year 1799?---I know that there was one produced, but I am not positive that it was mine.

In what other parish have you been searching for a different registry?---I searched I think St. Mary's.

In what place?---The parish of St. Mary's I think; I am not well acquainted with the town; I am not positive; but to the best of my recollection that is the name.

Is that one of the parishes in Gloucester?---In Gloucester.

Who represented to you that that was the place where the registry of your baptism might be found?---My sister, in a conversation I had with her.

What sister?---Lady Berkeley.

When?---Some years ago, I cannot recollect the particular day.

How came you to be searching for your own registry then?--To find whether I had been registered by the name of Tudor or not.

How did that become material?---Because it had been doubted in this House.

That was subsequent to your examination in the year 1799 that you made that search?---Yes.

—I saw the register produced in this house; but I did not find any in St. Mary's.

What was the parish where your father lived?—I cannot speak but from what I have been told.

Did you not live with your father?—Not to an age to attend to the parishes.

Up to what age did you live with your father?—To the death of him; but I cannot speak to the year in which he died.

About what age were you when he died?—I was very likely thirteen, but I cannot positively say.

In what year were you born?—I do not know.

How long before this marriage in March 1785 did your father die?—I cannot tell.

Was it one, two, three, four, five, or six years before?—I cannot tell, it may have been three or four.

Were you living with your father at the time your father died?—Yes.

Will you say you were not fourteen years of age at that time?—I do not know that I was.

Do you believe that you were thirteen or fourteen?—I might be.

At the age of thirteen or fourteen are you able to state where it was that your father lived when he died, in what parish it was?—I have been since told there are two parishes so intermixed, that it is not easy to find out where one begins or the other ends.

What are those two parishes that are so intermixed?—Wooton and Barnwood.

Did you examine the registries of Wooton and Barnwood?—Yes.

Were you successful in finding in either of them any registry of your birth or baptism?—I found none with the name of Tudor.

Did you find any by the name of William Cole?—I did not.

Do you mean to state that there was not one?—No; certainly not.

Did you examine the registries to see whether there was, and could not find a register of the name of William Cole?—I do not recollect having seen it.

period of your birth to examine each of those registers to see whether there was any register in either of those parishes of the name of William Cole?—I did not look particularly, I looked to satisfy myself with respect to the name of Tudor.

Then you mean to state that you could not find any register of the name of Tudor, that is all you mean to state?—Yes.

Whether there was a register of the name of William Cole or not, you did not examine?—No; I did not see one.

But at the same time when you were looking for one, can you take upon you to say, that you did not stumble upon or find a register of the name of William Cole?—I know that there was one produced in this House, though I did not see it, therefore probably it might be in the books.

Was your mother's name Susanna?—I believe it was.

Was your father's name William?—Yes.

Was there not in the register of Barnwood, "William son of William Cole and Susannah his wife, was baptised (privately) April 4th, 1769?"—I do not recollect seeing it, but I have no doubt it must have been there, for I saw it in this house.

Did you search in the registers for the year 1769?—I do not recollect any year; I ran over the names.

You must have examined some years?—I ran over many names.

Did you run over the years and go back to 1769?—I do not know that I did.

How far did you go back in your search?—I cannot tell now.

You were examining about the period of your own birth of course?—Yes.

What were the years you looked to?—I think it might be about 1771 and 1772, I began with.

Do you mean to say that you began with the years 1771 and 1772?—If I saw it I do not recollect it; I think I began there.

As you were doubtful of your precise age, why did

Perhaps you may remember being asked "What was your father's name?" to which you are represented to have answered "Cole;" do you remember that?—Yes.

"Did you ever go by that name?" you are represented as saying, "Never, that I can recollect." Do you remember that answer?—Yes.

You did give that answer?—Yes.

"Did you ever go by any other name?" to which the answer is, "I never signed myself otherwise than William Tudor." Do you recollect that?—Yes.

Having in one place stated that you never could recollect going by the name of your father, Cole, do you remember being examined at a subsequent time in this House, and being asked whether you had been up and down with her (that is your sister) before, all the time; and then this is added, "now during your father's life, what name did you go by?" to which it is here represented the answer is, "By my father's, as far as I know." Do you remember giving that answer?—Yes; I have not a doubt that I did give it, if it is stated there in evidence.

You were then again asked, "Whether you did go by your father's name; to which you answered "Yes;" and then this question was proposed to you, "How long did you continue after your father's death to go by the same name?" to which you are represented as answering, "I continued to go by the same name nearly all the time I was in Gloucester." Do you remember giving that answer?—I believe something to that effect; but in some part of my evidence I think I stated it was very natural for those who knew my father to call me by that name without paying attention to my christian name.

You will have the goodness to pay attention to the two passages, in answer to one of which being asked whether you ever went by the name of your father, you said never that you could recollect; and in answer to the other, that you went by it as long as you continued at Gloucester; how do you reconcile those two answers?—I can only say that when I was examined, I had never before been brought before this House, or any Court of Law, and had never been examined, and was extremely confused when I gave my evidence

Being asked when you left Gloucester you said, "I believe it was some time in the year 1785," do you recollect that?—I believe it was to the best of my recollection.

Now to bring it back to your recollection, the register of your birth being in the year 1769, you must of course, when you left Gloucester, have been of the age of sixteen, leaving it in the year 1785; you are here made to represent that you went by your father's name, that is the name of Cole, till you left Gloucester, that is up to the age of sixteen, is that so?—I might be called Cole by some people, but I certainly had taken the name of Tudor before I left Gloucester.

Do you mean then now, to contradict what you upon your oath swore before, that you continued to go by the same name, that is the name of your father, nearly all the time you were in Gloucester; do you mean to repeat or to deny that answer?—I do not mean to deny; because I certainly did go by that name with some persons, though among my relations I went by the name of Tudor.

Is it to be understood that up to the age of sixteen you had two names, and were sometimes called Tudor, and sometimes Cole?—I was called Tudor by some persons, and among others by Dr. Parker, who proved it in Chancery.

How do you know what Mr. Parker has proved in the Court of Chancery?—I saw a copy of the deposition that was taken.

Where?—I think it was at the Countess of Berkeley's, my sister's.

When?—Some little time since, since I have been in London.

Within this week?—Within these ten days.

Within these ten days you have been shewn the deposition of a person purporting to be Mr. Parker at Lady Berkeley's house, is that so?—Yes.

Who shewed it to you?—I believe it was one of the solicitors.

Whose solicitors?—One of the Earl of Berkeley's.

What was his name?—I cannot tell.

Was it one or other of these two gentlemen, either Mr. Frere or Mr. Forster, that you represent to have shewn you that deposition?—I think it was either Mr. Forster or this gentleman, Mr. Frere or a gentleman who acts as clerk: I

cannot swear which it was ; I am positive that it came from their possession.

How do you know that ?—I had every reason to believe so at the moment ; and whether it was from one of those gentlemen or a gentleman whom I have seen in this House, I am not positive, though I saw it within these ten days.

How do you know it came from one of those gentlemen ?—Because I am positive it was from one of them, or a gentleman who acts for them.

If you received it from the clerk, was either of these gentlemen present at the same time ?—I do not think they were.

How came the clerk of either of these gentlemen to shew you the deposition of Mr. Parker ?—It was by my own desire.

How did you know that Mr. Parker had been examined as a witness ?—I was told so.

By whom ?—I do not recollect ; by my sister most probably.

When ?—I cannot recollect.

Was it a short time before you enquired for it ?—I had heard of these depositions these eight or ten years.

Is it to be understood that the information given to you that such a deposition existed, was given to you a short time before you required to see it ?—Certainly it was before I asked to see it.

Was it a short time before ?—It might have been three or four months ago, when I was in London last ; but I have thought of it a good many times within these eight or ten years.

Was ten days ago the first time of your seeing that deposition ?—Yes, I think it was.

Who was present at the time of your seeing that deposition ?—I do not recollect who was present.

What did you do with the paper when you had read it ?—I gave it to the gentleman who gave it to me ; it was not Mr. Forster or Mr. Frere, but a gentleman I have seen in this house ; I can now point out the gentleman.

[The witness pointed out Mr. John Horne ; clerk to Messrs. Forster, Cooke, and Frere.]

I turned to the name of Parker among the bundle of papers and read that only; I did not look over the others.

Did you, when you enquired for the papers, say you wanted to see the deposition of Mr. Parker?—Yes, I did.

And upon your enquiring for the deposition of Mr. Parker that paper purporting to be so was given you by Mr. Horne?—Yes.

Along with a bundle of other papers?—Yes.

State the name of any one person now living, Mr. Parker being now dead, who knows you went by the name of Tudor before you left Gloucester?—Mr. Parker's house was the only one I ever lived in out of my own family, and he was the only person that I knew of that ever was acquainted with my having that name, or going by it, and that appears by his books; that is entered in his books.

Mr. Solicitor General objected to the latter part of the answer relative to Mr. Parker's books.

Can you state the name of any individual living that know that you went by the name of Tudor prior to your leaving Gloucester?—I cannot say, indeed; the only person I did state it to was Mr. Parker, to whom I was going apprentice, which clearly appears by his evidence.

When you were called by any surname at all by Farren it was by the name of Tudor and not by the name of Cole?—I have been called by the name of Tudor by him I am positive.

How did he call you in general, by the name of Tudor when he expressed your surname at all, or by the name of Cole?—He generally called me William.

When he had occasion to add the surname at all, which name did he use, that of Tudor or that of Cole?—I cannot recollect at so distant a period.

Then you cannot recollect whether he used the name of Tudor or Cole?—He certainly has done it, but whether once, twice, or more times, I cannot recollect.

Has he called you by both names?—He very likely may.

What name did you go by at school?—That is so long ago, I cannot recollect.

What was the name by which in point of fact you went

name of your father which was Cole, and not by the name of Tudor?—I do not recollect that they did.

How then came you to answer when asked, “ Whether you ever went by the name of your father,” “ Never that I can recollect,” when you now say that you were called so during the time you were at school?—That which was very natural passed without my feeling interested to make any comment upon it, people would call me by the name of my father knowing his name.

But in your answer, you have stated, when asked whether you went by the name of Cole, “ Never that I recollect; and now you say that during the time you were at school for six months after your father’s death after the age of fourteen, all the boys called you by the name of Cole, and no other; how do you reconcile those two answers; one, that you never went by the name, and the other, that you went always by the name?—I do not feel satisfied that the thing does stand perfectly so.

Mr. Solicitor General referred the witness to page 32 of the Printed Minutes of the Committee of Privileges 1799.

The witness said;—I beg that your lordships will have the goodness to look at this examination, I think there is an answer follows which explains my meaning, “ I never signed myself any otherwise than William Tudor;” from that answer it is clear I meant, not that I might not have been called so by those who knew my father, but that I never put my hand to any one act or deed by the name of Cole, so as to take the name.

The first question is not as to your signing the name, but by what name you were called, to which you answered, “ Never that I can recollect;” that has no reference to any signature?—Very true; but my meaning at the time and the impression on my mind, I am positive, when I gave that answer, was that which is evident from the words immediately following, that I never signed myself by any other name; that I have never acknowledged myself by any other name, however I might have been called.

When you were asked whether you had ever gone by that name, did you recollect you had always gone by that name?—It was very natural that they should have called me by that name twenty-nine or thirty years before, in consequence of my name.

correspondence with your sister or any of your family?—While I was at Parker's, after they left Gloucester, I had occasion to correspond with them.

Before they left Gloucester, which was in 1785, had you any correspondence with any of your family?—Yes.

With whom?—With my sister.

Which sister?—Lady Berkeley.

It was in writing to Lady Berkeley you signed yourself William Tudor?—Yes; no doubt of it.

To anybody else?—I never wrote to anybody else.

The only occasion you had to sign yourself William Tudor was in a letter to Lady Berkeley?—Not so; I signed myself so in Mr. Parker's books during my residence with him.

Was there any occasion on which you were called upon to sign your name except in Mr. Parker's books and the letter to your sister?—I cannot recollect any material occasion, nor indeed any occasion upon which I was called upon to sign my name.

Do you remember accompanying a boy of the name of Gwinnett from Barnwood or Wootton, where your father lived, to school?—So it has been stated in this house, but I have not a recollection of it.

The witness and counsel withdrew.

The House afterwards adjourned till the 7th of May.

William Tudor being called in, and cross-examined, was asked whether he went to any house at Berkeley, before he went to the church there?—Answered, I went to an inn.

Were there many persons present at the church?—There was a congregation, I cannot speak after this number of years to the size of it.

Did the clergyman when he pronounced the banns speak it with a distinct and audible voice?—I do not know, if I had not known the names I was to expect, whether I should have distinctly heard him.

Why not?—I heard my sister's name very distinctly.

What other name did you hear?—I heard the Earl of Berkeley's.

Did you hear that distinctly?—Not so distinctly as I did my sister's; my sister's was very distinctly pronounced.

Of course there was a profound silence at the time the clergyman got up to publish the banns in the church, was not there?—That generally is the case.

Was it not so at that time?—It was as far as I know.

About how many persons nearly might there be present in the church?—I cannot form the least conception.

Was there twenty, or a hundred, or two hundred, or about how many; it is not wanted to fix you to the precise number, but as nearly as you can state?—I cannot form the least conception after this lapse of years, and to a thing I never attended to.

Did you remain till the service was over?—Not quite.

Did you stay after the service was over in Berkeley?—I was there some little time.

In what part of the service was it published?—As it is usually done, I am not conversant, though I have heard many banns published since, to say exactly the exact time.

How can you know whether it was in the usual way or not, unless you know what the usual way is?—I conceive it to have been so.

What do you conceive to have been the usual way; in what part of the service do you conceive it to be usual to publish the banns?—I do not know the church service particularly, so as that I could speak to it so as to say exactly when it was proper.

You have said it was published in the usual way?—As far as I know.

Having said it was in the usual way, what is in your opinion the usual way of publishing banns, in the course of the service?—I do not know any further than I have stated; I have heard banns published several times in church since that.

Cannot you now answer the question in what part of the service it was that the banns were published?—No, I cannot.

Was it in the morning or evening service?—Morning.

Had any part of the service been gone through before the banns were published?—There was some part of the service gone through.

How much?—I cannot tell.

Who was the clergyman who published the banns?—

Only at the time of the marriage, and at the time of publishing the banns?—I have never seen him since.

But you distinctly saw him when the banns were published?—Certainly.

What sort of a person was he?—As far as I can recollect after twenty-six years, I should say he was a middling-sized man, not a very tall man; but I cannot speak more positively.

Not a tall man; a middle-sized man?—As far as I know; but I do not recollect.

Do you recollect his countenance; was he fat and jolly in his countenance, or the contrary?—I do not recollect indeed.

Or whether he was a young or an old man?—I cannot speak indeed to that.

Did he wear a wig?—I cannot tell indeed, I do not know that he did.

From your recollection do you believe that he did? I do not believe any thing about the matter, I have not the least conception of it.

Do you recollect the complexion of this clergyman?—Not the least after this lapse of time, twenty-six years, and never having thought of it since.

You were present in the church the greatest part of the service on this day that you attended the publication of the banns?—Yes.

Cannot you nearly state whether there were present at that time a hundred persons, or ten, or any intermediate number?—I cannot positively with any accuracy state it.

Were there ten persons there?—I dare say there might be.

Were there twenty?—I cannot tell.

You must be able to recollect whether the church appeared to be full or not?—I cannot recollect a thing I never once attended to or thought of.

Your were directed by your sister to attend to the publication of the banns?—Yes.

Did you then know it was to be kept a secret?—Certainly.

Did not you, when you knew it was to be kept a secret

once only, or to attend the publication of the banns all three times?—I do not recollect what the directions were, I know that I went once in consequence of the letter I received.

Was the day on which the publication of the banns was to take place mentioned to you?—I was told what day I was to go certainly.

You collected, when you were there, that this was the first time of the banns being published?—Yes.

Did you ever go again to see whether the banns were published the second and the third time?—Never.

How came you not to go the second and third time, to see whether they were published again?—I did not think it of any consequence.

Did you think it of any consequence to hear the first banns published?—To satisfy my sister whether they were or not.

How long was it before you were put in possession of any reason for keeping the marriage secret?—I did not know my Lord Berkeley's reason for many years after.

You did not, at the time you attended the publication of the banns, know the reason, although you knew the fact that it was intended to be kept secret?—I did not know my Lord Berkeley's reasons; I knew that it was his request, and I knew that I was ordered.

Did you never inquire into the reasons why, when your sister was about to be married to Lord Berkeley, and was married, it was kept secret?—I do not remember ever doing it, at least at that early period.

You say you were not acquainted with it for some years afterwards; how many years afterwards was it before you were acquainted with the cause of keeping it secret?—I cannot exactly speak to the number of years.

Was it four or five years, or more?—I really cannot say exactly, I dare say it might be.

Then it was not before you went abroad, which you stated before was the year 1787?—At this distance of time I really cannot speak positively to whether the information was given me before or after, but I think it was after.

You stated, that at the time you received the intimation to attend the publication of the banns you were liv-

In what street?—I think it was then in the Westgate-street, to the best of my recollection.

Did Farren afterwards remove to Southgate-street, the corner of Bell-lane, in Gloucester?—He did remove there some time about that period, but I am not positive as to the date.

Upon the death of your father, in January 1783, what became of your mother and her two unmarried daughters, Susan and Mary?—I cannot exactly say where they were, I do not exactly know where my mother went to.

Were you a part of that family then?—I was of my sister's family from the time of my father's death.

Do you not know that your two unmarried sisters, Susan and Mary, after the death of your father went into service?—I believe they might, but I was not present to see; they left Gloucester.

Susan and Mary left Gloucester together?—I cannot speak to that positively at this distance.

How soon after the death of their father was it, that these two persons left Gloucester and went into service?—I think it was very early, but I am not positive; I cannot speak to the time.

Did they not go into the service of Lady Talbot?—I do not know indeed.

How soon was it afterwards before you saw them again, Susan and Mary?—Before I left Gloucester they both came down, but not together.

By your leaving Gloucester, do you mean leaving Gloucester towards the end of 1785?—Yes.

At what time before that; how long before that was it that Susan and Mary, or one of them, came down to Gloucester?—I cannot speak as to the date when Susan came down, it was only for a few days.

When did you see Mary again, when she had left Gloucester for the purpose of going into service?—I did not see her, as far as I can recollect, till I met her when she was going to be married; I cannot speak positively, but my memory does not serve me if I did see her between those times.

Do you mean by that till you met her at Newport, the day she was going to be married?—Yes.

Are you then to be understood to say you had not seen

your seeing her the morning of the marriage?—I think I might have done that, but I really am not positive; it is a long time, twenty-six years, and I have no accounts to refer to, and I was very young.

Were not you at Gloucester in the month of March 1784, when your sister Mary was hired into the service of Mrs. Foote?—Certainly, I was at Gloucester.

Where was your mother living?—I do not know whether she lived in any one place particularly.

Was not she living in Gloucester?—I saw her at Gloucester; but I think she was out at times at different places.

What do you mean by out at different places?—She used to go out as nurse, or something of that kind? I know I only saw her seldom.

You represented your going to Newport, the morning of the marriage, to your sister who was there?—Yes.

From thence you represented, that you went on foot to Berkeley, where you were present at the marriage?—Yes.

Did you see any person at Berkeley that day, having represented the marriage to having taken place between nine and ten in the morning?—I do not think that I did, I did not go into the town.

After the ceremony was over, you stated that you went back to Newport with your sister?—Yes.

Did any body else go to Newport with your sister?—Nobody.

Did you walk back to Newport with your sister after the ceremony?—Yes, I did.

How long did you stay with your sister at Newport?—A very little time.

During that little time, did any body join you at Newport?—No, not any body that I know; I never saw any one that I knew.

You having represented that you were present at the marriage, was there any person officiating as clerk?—There was a man in the church.

Were you aware that that person officiated as clerk?—As far as I knew.

Who was that person?—I do not know his name any

You mean Richard Barns?—Yes.

What did that man do, that you consider was officiating as clerk?—At this moment I cannot recollect what a man ought to do that officiates as clerk on such an occasion.

It is not asked what he ought to do, but in point of fact what did that person do, if any thing; what did you see him do?—I saw him subscribe his name, or at least make his mark, I cannot recollect any particulars so long ago.

Besides making his mark, do you now recollect any one act that was done by that person besides making his mark at the church?—No, I cannot take upon me to say that I do.

Was the marriage ceremony performed in the church?—In the church, yes.

Was that the same person that had acted as clerk when the banns were published?—I should think not, but I do not know.

Do you recollect who it was that was clerk at the time the banns were published?—No, I do not.

This person that you describe having officiated as clerk you do not recollect having done any thing except putting his mark to the book?—At this distance of time I really cannot recollect.

Is it that you represent this person to have officiated as clerk because there was no other person that officiated as clerk, or because of any thing that you saw this clerk do?—I suppose he officiated as clerk to the best of my recollection, but what a clerk ought to do as officiating as such, I do not know; I have been married myself since that time, but I am sure I do not know what a clerk has to do with it.

Do you mean to represent that this man who could not sign his name was able to, and did in fact read?—I do not recollect his reading.

Or repeating any part of the service?—I do not recollect his doing that at this distance of time.

Do you recollect who it was that wrote in the register his mark, opposite to the mark made by this Richard Barns?—No, I do not.

The words are, "The mark of Richard Barns," who

How long after the marriage had taken place, which was in March, 1785, was it before you saw your sister again?—I cannot say how long it was, exactly.

About how long?—It was not long, I am sure I cannot tell.

In the course of the same year?—Oh yes, certainly.

Where did you see your sister again?—At Gloucester.

At what house?—My sister's particularly, I used to see her there frequently.

Did not your sister, this person whom you represent to have been married in March 1785, come to live for several months in Gloucester in the course of that year?—She did, I cannot say how many months, but she was there for a time.

During the time of your sister remaining for some months in Gloucester at that period, did she not all that time pass by the name of Mary Cole?—Yes, she did certainly.

Did she in any respect appear in any part of her appearance different in the smallest degree from what she had done before she was married?—I do not recollect that she did; not that I observed.

During this period where was Lord Berkeley?—I cannot tell; I saw him several times at Gloucester, but where he was constantly, I do not know.

When you saw him in Gloucester, where did you see him? In what part of Gloucester?—I saw him in the streets; I saw him at Mr. Parker's once or twice.

Did you at any time ever see Lord Berkeley and your sister together?—They were once together in Dr. Parker's shop.

How long were they together?—Not long; I cannot at this distance of time say, but I should think not many minutes.

Do you know a person of the name of Mrs. Price, who was housekeeper in Lady Berkeley's family?—There was a person of that name some years ago.

Do you recollect in the year 1797, being very particular in desiring to have the church of Berkeley described to you?—No, I do not recollect any thing of it. Google re-

recollect; I really have no recollection of the circumstance.

Do you recollect going to Berkeley, and desiring to be shewn the church of Berkeley?—No; I cannot say that I do; I might; I will not speak positively.

Do you recollect your stating that you had not been to Berkeley before, and wishing to see it?—No, I do not recollect any such thing.

In what year was it you returned to England?—In 1792 or 1793, I should think it must have been in 1792; I am not positive whether 1792 or 1793; it was in the winter.

After your return from abroad, have you ever since continued to live in England?—No, I have been absent on the Continent since.

How long did you continue here after you returned in 1792 or 1793?—I remained in England till my appointment of assistant commissary in 1793, I think, but my commission was burnt in Germany by accident, and I cannot look back to the date to see when I was appointed, but it could be known at the War-office.

On your coming back from abroad, did you find your sister living in Lord Berkeley's house, by the name of Miss Tudor?—Yes.

How long did that continue to be the case after your return from abroad?—Till about twelve months after the second marriage, as near as I can recollect.

Being asked if any reason was given by Lord Berkeley to satisfy him why his sister, whom he had seen married in 1785, continued down to 1796 to live with him as Miss Tudor; he answered, the situation of his family, viz. the inferiority of birth and poverty; and another reason, which respected Mrs. Turner, his sister Susan.

Being asked if he took any steps in consequence of that observation of Lord Berkeley on the situation of his sister Susan? he answered "No further than by *avoiding* her:" that it was Mary only that he countenanced; and that he would have avoided her also, if he had discovered that she had been living on an improper footing with Lord Berkeley.

Without specifying dates, do you remember that Lord Berkeley altered his mind after the marriage of your other

Then is it true, that the reasons that operated for a time to produce the concealment with Lord Berkeley did not continue?—Certainly, they ceased in a great measure, when my sister was married and went abroad; but I cannot recollect the time.

After the reasons had ceased for keeping the marriage a secret, did you make any application to Mr. Hupsman, to know the particulars of the registry of the marriage?—Never.

Did you at any time before consulting Mr. Bearcroft, or before the second marriage, examine the registry, to see whether it contained the entry of the marriage which you had attested?—Never.

How came you not, when all parties were desirous or willing at least that the marriage should be made public, either to apply to Mr. Hupsman to know in point of fact whether the registry was destroyed, or to look at the register to see whether it contained the entry or not?—I implicitly believed the entry was gone.

Why?—Because it was so asserted.

By whom?—By Lord Berkeley and my sister; we had many conversations on the subject.

Was it represented that Lord Berkeley was privy to the destruction of the registry?—So I understood, but he did not allow it; he never admitted it; I do not recollect that he admitted it; only to the concealment.

You have stated that you did not conceive Lord Berkeley to admit he was privy to the destruction of the registry: to refer you to page 35 of the former minutes, you were asked "What did you mean to say about the registry being destroyed?" Answer, "I was given to understand it was destroyed." You were then asked, "By whom?" and you replied, "By my sister and my Lord Berkeley." "Did you understand that it was done by Lord Berkeley's consent from your sister only, or from Lord Berkeley himself?" to which you answered, "I first learnt it from my sister; after, from Lord Berkeley himself."

I alluded to the destruction, not to Lord Berkeley's admitting that he was a party concerned in it; that he was privy to the transaction.

to understand it was done by my Lord Berkeley's consent;" and then follows the question you were asked, "Did you understand that it was done by Lord Berkeley's consent from your sister only, or from Lord Berkeley himself?" and you answered, "I first learnt it from my sister, after from Lord Berkeley himself."—I do not conceive that I ever said that Lord Berkeley ever admitted that he was privy to the destruction; he admitted that it was destroyed; but that he was not a party concerned in the transaction; that it was not his wish; he wished for a concealment.

Did Lord Berkeley inform you that he had himself written the body of the registry?—I do not recollect; he might have done so.

You have spoken of Lord Berkeley's having stated that the registry was destroyed; do you know any thing of the registry having been discovered?—The first information I received of it, was by letter from Lord Berkeley.

Have you got that letter?—I have; this is it (producing a letter).

Sir Samuel Romilly requested that the letter might be read.

The Solicitor General, for the reasons he assigned, objected to its being received.

The House having adjourned to the 8th of May, Sir Samuel Romilly requested leave to call a witness to explain a circumstance spoken to by Mr. Tudor on the Friday preceding; upon which John Hone, one of the managing clerks of Messrs. Foster, Cooke and Frere, being called, acknowledged shewing Mr. Tudor one of the documents, or briefs, which the latter called the deposition. This witness denied shewing Lady Berkeley copies of the depositions, or any paper on the subject of the cause. He also denied ever having any personal or verbal communications with Lady Berkeley on the subject, or being present when any were made to her.

During the sitting of the 13th of May, Sir Samuel Romilly asked the Lord Chief Justice of the Common Pleas, if he had yet refreshed his memory as to whether he did, or did not know it was Lady Berkeley who consulted him upon an occasion which he had acknowledged before upon a second marriage? To this Lord Mansfield

him, in a great degree of agitation, or exclaimed, "It was already done, taken place, or words to that effect."

Two or three times afterwards, he also acknowledged that much was said about the registry, when his lordship suggested and pressed the propriety of examining the same very accurately, and it was determined upon at his chambers, by Lord Berkeley and Mr. Boodle, that the clergyman Mr. Carrington, and another person, should be sent down to Berkeley immediately, to search for the registry. His lordship thought he might then also have given an opinion respecting the propriety of a second marriage, but could not recollect what that opinion was; and he allowed it was probable he might have said that a second marriage might raise questions respecting the first.

The counsel were again called in; and the Lord Walsingham informed them, that the committee had resolved that the deposition of the Earl of Berkeley, offered in evidence on the 3d of May last as a declaration, could not be received.

Then Mr. Serjeant Best, of counsel for the petitioner, informed the committee, that he felt it his duty to state, that the remaining evidence he proposed to offer, consisted of two letters, written by the late Earl of Berkeley, one to a peer of this house, the other to the Prince Regent; though he could not state that the matter in question was not in dispute previous to either of those letters being written. There were also several declarations made by the late Earl of Berkeley at different times to his royal highness the Prince Regent, though he was not certain that any of them were made previous to the discussion which took place in this house in the year 1799. If that proceeding should be considered as a sufficient agitation of the matter now in question to effect the evidence he so had to offer, he could only bow with submission to the decision of the house; but if it should be thought admissible, he was ready to produce it in any manner the house in their wisdom might think proper to adopt on the occasion.

Mr. Solicitor General was heard to object to the evidence, as being precisely of the same nature as that which the house had just decided could not be received.

On the 15th of May, the general registry of the parish

were produced by the Rev. Caleb Carrington, consisting of five books. When being asked what he knew of the death of Mr. Hupsman, the former vicar, he answered, he only knew by hearsay, which he believed was tolerably authentic; that he had been vicar so many years; he had no doubt of his being dead; he succeeded him; but he knew of no fact connected with his death or interment, though he believed he was buried at Cranford.

After being questioned as to the knowledge of the various hand-writings in the books, the registry of baptisms in the year 1799 was shewn to the witness, and he said, "It follows the baptism of the 25th of March, 1799. When I was sent to inquire, on account of proving the pedigree, for the registries of different persons of Lord Berkeley's family, that of the Countess Dowager of Berkeley could not be found; Mr. Lewis, the then curate, went some where and got information of the date of it. The baptism of Thomas Moreton Fitzhardinge, who was baptized by myself, had also been omitted to be registered. I at that time having no connection with the parish, and merely acting in the family as chaplain to Lord Berkeley, recollecting the month in which he was baptized, but not the day of the month, I made this entry, at that time in the presence of Mr. Lewis the curate, and with his approbation, which entry is "1796 omitted, Thomas Moreton Fitzhardinge, son of the Earl and Countess of Berkeley, born October 19th, 1796; was baptized at Berkeley Castle in December following, by Caleb Carrington, chaplain to the Earl of Berkeley."

Are you to be understood that it was in 1799 that you made this correction in the registry?—It was in 1799; this insertion in the registry is between the 25th of March and the 5th of May following.

And it was then on the 5th of June, in the same year, that you stated in your evidence, that you had compared the extract with the original?—With this very original.

Which original was created in the month of May in the same year, is that to be so understood?—I did not know till I saw the books but that Mr. Lewis or some person by the direction of the family had registered it at the time.

It does not appear in the printed evidence of 1799, that any statement was made in that report, of the omission and of the subsequent insertion of this registry; whether you did in your evidence at the time you delivered in this extract explain that circumstance?—I do not know that I did; I should have thought probably, that it was unnecessary, as the establishment of the fact of this person's birth seemed to me to be the whole that was sought after by the inquiry.

Then you did consider this to be a correct and sufficient report of the entry, and the circumstance of so recent a correction of the entry not of sufficient importance to be reported?—I beg leave to state, that that is not quite correct. This was no correction, for there never was any other entry on the subject.

Are you then to be understood that you did not deem it a material circumstance to state the entry of a baptism to have been made three years after it had taken place?—Certainly, I did think it was not necessary; such omissions often happen, and are inserted as soon as they are recollected. The registry of the Countess Dowager of Berkeley was in the same situation, never entered.

What material circumstance was in existence that brought this registry, or the omission of this registry, to your recollection?—I was sent to Berkeley to make out, or trace the registries of all the family of Lord Berkeley, to be found in the parish registry books of Berkeley.

What is the house to understand you to mean by making out or tracing; was it to supply omissions, such as this which you did supply, or what else is to be understood by the term "to make out?"—To make out copies for the purpose of laying before this house in the pedigree business. They were all found in the books except two, one of the late Countess of Berkeley, which Mr. Lewis supplied from some other evidence from some information he got; this being thus, was supplied from my own knowledge, as I was personally acquainted with the fact.

Did you know when you made that entry that the baptism had been registered in St. Martin's Church?—I did not.

Was it the ceremony of the funeral of the Countess of Berkeley that was omitted?—Yes. of the funeral; there

evidence, that he never traced the registry of Lord Berkeley's marriage in the Bishop of Gloucester's registry.

The business of the Lords on the 16th of May was principally made up with the examination of the registries of the baptisms and burials of several of the parties concerned, particularly the sons and daughters of Lord and Lady Berkeley.

Mr. Joseph Sharpe, a clerk in the Faculty Office, Doctor's Commons, also appeared, and produced the affidavit made by Lord Berkeley, previous to his obtaining his licence for a marriage with Mary Cole. Another instrument was produced, being a bond that all parties enter into, previous to obtaining a licence. It is a bond to the bishop of the diocese.

Edward Toller, a proctor in the Commons, acknowledged Lord Berkeley's coming to him in 1796, no other person being with him, when he was sure the affidavit before mentioned was either read over to his lordship, or, that he took it and read it himself; and that he had full time to comprehend the contents of it.

It appeared that when parties previously married are desirous of being married a second time, they usually state the fact of the first marriage. The witness recollected that Lord Berkeley made no mention of a previous marriage at the period alluded to; and that if he had done so, the witness affirmed, he would not have prepared an affidavit in which he stated himself to be a bachelor, and the lady a spinster.

Anne Foote, the wife of the Rev. Mr. Foote, being examined, stated, that she lived at Broughton Malherd, in Kent, about forty-six miles from London, and that on March 4, 1784, she received into her employment a lady, afterwards Lady Berkeley, in the capacity principally of lady's maid; that she lived with her from March to the end of December, about ten months, previous to which Mrs. Foote received a letter from the lady's sister, requesting that Mary Cole might leave her place rather before the month of warning was expired. Being asked to produce that request, the following letter was shewn and read:

"Madam,

"Actuated by the generosity of your sister I take

too great a favour that my sister may come to town the week after Christmas as I am obliged to go in the country the week following, and sho^d be happy to see her before I go. I beg Madam I may not make it hill convenient to you or give you the smallest trouble would reather suffer any disopintment my selfe then be thought impirtinant or regardless of your favour to my sister, she poor thing has long been in want of a friend and she tells me but for you kindness to her she would have been more unfortunate exkuse me Madam for saying heaven will reward your generous condecention to my sister and beleave me I am with real humility your humble sir^{ts}

S. TURNOUR."

About a fortnight after on the 28th of December, Lady Berkeley quitted Mrs. Foote's house; who on being questioned as to the dress and attire of her servant, indicating that she was supplied with money from another quarter, replied none in the least, but that she was rather short of clothes. During the period of Lady Berkeley's living with Mrs. Foote, the latter had not the least reason to suspect that any communication or intercourse was going on between her and Lord Berkeley. Being asked whether during Lady Berkeley's stay at her house she had been absent any time, Mrs. Foote answered, once in May, and two or three other short visits: and she thought it impossible that Lady Berkeley could have gone to the village of Lenham without her knowledge, unless when Mrs. Foote was dining out.

It appeared that Anne Powel, who lived as housekeeper with Mrs. Foote, left her service to go into Gloucestershire, in March, 1785, first going to London; and that Mrs. Foote had communicated the dates of the time when Lady Berkeley came into her service, and when she left it, to a Mrs. Cheston in Gloucestershire, in March or April, 1810, as she supposed for Lady Berkeley.

Mrs. Foote being asked if she received any sum of money, or any offer of that nature? she acknowledged that in the beginning of April, 1811, she had an offer by letter of fifty pounds to pay her expences into Gloucestershire.

Mrs. Turnour's letter to Mrs. Foote, expressing that her sister had been under particular obligations to Mrs.

house what she meant by those obligations; to which she answered, " she was not under any particular obligations to me any more than for kind treatment; she had received no particular favour from me."

Mrs. Foote also thought she had communicated the letter signed S. Turnour to Lady Berkeley, from whom she understood that Mrs. Turnour was living in Charles-street, Berkeley-square, as the wife of that gentleman, Mr. Turnour.

The Rev. William Davis, who became curate of Berkeley in 1795, being called in was examined relative to the places where the parish registers were deposited. He never observed any of the papers pasted upon the leaves at the end of the book, nor that the end leaf was cut at the bottom. In 1797, it seems that Mr. Davis delivered the books to the Rev. John Lewis, who succeeded him in the curacy of Berkeley.

Having resided at Berkeley from 1791 to 1797, he was asked whether Lord Berkeley and the lady he was living with, were received as man and wife; whether any one of the children during all that time passed by the name of Dursley; and if he knew whether any ladies of the neighbourhood visited at the castle during that period? to which he replied in the negative. Being asked if he ever heard Mr. Hupsman perform the service, and if he had a distinct and audible voice, he answered yes; and he had no doubt but that if banns of marriage had been proclaimed from the reading desk about the middle of the church, they might have been heard in most parts of it. Mr. Davis, in the course of his evidence, acknowledged he had an aunt, a lady of character, and sister to Dr. Jennet, who visited Lady Berkeley at the period just alluded to. Mr. Davis visited and sometimes dined at Berkeley Castle; but he asserted that during his time Lord Berkeley never had access to the books; that Lord Dursley was not represented as such when the birth-day of the eldest boy was kept, and that on these occasions he thought no ladies of a higher quality than farmers' wives were invited.

From the examination of John Taylor on the 17th of May. that to the copy of the certificate of the first mar-

ley, in the presence of Anthony Hamilton, D.D. vicar of St. Martin's. The following was added to the former attestation of the marriage, signed

AUG. THOS. HUPSMAN, Vicar.

W. TUDOR.

The mark ✕ of RICHARD BARNES.

"Although my wife is named in the registering of my children, Mary Cole, she was then in fact Countess of Berkeley, my marriage with her (which at the date of this entry was kept secret) having taken place on the 20th day of March, 1785, as appears by the register of Berkeley parish, now deposited in the House of Lords, a copy of which is herewith annexed. **BERKELEY."**

Joseph Pitt, Esq. a solicitor, in the county of Gloucester, being sworn relative to his examination of the Berkeley register on the 15th of April, 1799, when the family pedigree was investigated, gave evidence as follows:

I received instructions to be exceedingly particular in the examination of the register of Berkeley, for the purpose of endeavouring to find, if I could, any entry respecting the late Lord Berkeley's marriage. I felt it a thing of very considerable consequence, and therefore attended to it as much as I possibly could. I searched the book from the beginning to the end repeatedly; not finding it the first or the second time I believe, I then searched it with a view to see whether it was possible that any trick might have been practised, so that it might elude a common inspection; but notwithstanding that I found nothing of the sort. I came to the last leaf of the book; I there found that the upper part of the last leaf was remaining, the lower part not visible: from that circumstance I was led to suspect that in that particular part of the book there might have been some trick played; I therefore was more minute with respect to my attention as to that part, and notwithstanding all that minuteness, and I could not do it more minutely and carefully than I did, I saw nothing like an entry respecting Lord Berkeley's marriage, nor did I discover it; this part was as it is now I believe, but this part was not turned up as it was

been loose so as to be removeable by the hand, do you think you must have observed it?—If it had been loose in any way whatever, from the great care with which I examined the book, I do think, upon my oath, it is impossible it could have escaped my observation.

You observe now that the lower part of one of the leaves is removed; is that the leaf of which you spoke of the lower part being removed, and the upper part remaining?—Yes; the upper part remained in this way; the part here I did not see.

This leaf was, with respect to the lower part, in the same state in which it is now, with the lower part cut off?—Yes.

Did you turn over the leaf that was so cut?—Yes.

Did you examine whether you could discover any marks on the other side?—I did.

And you were not able to discover any thing about it?—I did not discover any thing like what now appears.

Was your attention particularly directed, when you found one part of the leaf cut, to that part of the book?—It was, from the circumstance of its being cut.

Did you observe any pucker in any part of this leaf, or any one circumstance that indicated there was any thing behind it?—I observed no pucker whatever; but I am convinced it would have led me to make a further search as to the cause of it.

In whose presence did you make this search?—In the presence of Mr. Simmons, steward of Lord Berkeley.

Did you make any search at another time afterwards for the same purpose?—On the 17th of May following I searched the book again.

Both the searches were in the year 1799?—Yes.

What did you find on the second search?—Immediately almost that I opened the book I discovered the register to be as it now appears, open; it was very visible, but that I account for more from the circumstance of its having been examined after I was there the first time, and before I was there the second time, by two gentlemen who certified the fact of its having been found, and the seals were put on, which led my attention I believe more immediately to the subject.

Cross-examined.

leaves?—To the best of my recollection I did; I remember pretty strongly this paper, and that too I think.

Before you made the second search, had you heard where the entry that you were to search for was?—I received an intimation from a noble lord, that if I were to search the register again, he had reason to believe that I should find an alteration in it, and therefore desired that I would examine it for that purpose, to see whether there was that alteration; I therefore did search it, and found the alteration I have now described.

Did you previously to the first search receive any intimation where particularly you should look for the entry?—No, I did not, further than I was told by letter that it was about the year 1785, I think; that if I searched about that time, if there was any entry, it was supposed to be about that time.

You have said that you were told that there had been some alteration between the time of your first search and the second; does it appear that in point of fact there had been any alteration between the first search and the second?—Yes, the alteration, if any, was this part of the register appearing the second time, and my not having seen it the first:

Is there any entry made in that part which is visible, that must have been made between the first search and the second?—Yes, this certificate signed by Mr. Carrington.

Of what date is that certificate?—The 22d of April, 1799. It was also signed by W. G. Cracraft, Edward Boodle, James Simmonds, as to its having been compared with another part of the sheet.

These seals the witness did not observe the first time, and he admitted that the certificate imports that they were put after he had searched the entry.

William Fendall, Esq. being sworn, admitted that he was a barrister by profession, principally residing at Gloucester, since he married and settled there in September, 1786, and that he used to go the circuits to Monmouth, Hereford, and Worcester, and attend the quarter sessions at Gloucester, which he particularly recollected attending in July, 1785, on Wednesday the 12th

seen or spoken to her before, but on seeing her he kissed his hand, or saluted her some way or other by taking off his hat, showing an intention of waiting upon her, if she would allow him.

Being asked after he had made these signals, how they were received by the lady? he answered, they were neither assented to, nor dissented from that I recollect, and the door was open and I went up.

After you had made these signals did the lady withdraw from the window?—I do not recollect that she did.

Was there any thing discouraging from the window to prevent your going up stairs?—Certainly not.

Proceed in your statement?—I went up stairs; I entered into that common conversation that a man would enter into.

Upon going up stairs, did you find any body in the company of that lady, and what room did you go into?—I went into a room up one pair of stairs, and I am pretty confident that the sister of that lady, Mrs. Farren, was with her in the room when I went in.

Had you been previously acquainted with that sister?—No, I had not.

Had you ever spoken to her before?—Not that I recollect.

Had you ever been in her company before?—I think not.

Do you know what her husband at that time was?—I believe he was in some situation with an attorney of the name of Pember; I had known him for many years before; he was originally I believe in the shop of his father, who was a butcher; and afterwards, by some means or other, was in the office of an attorney at Gloucester of the name of Pember.

Was Mr. Farren himself in the room, or only the two females?—I think only the two females.

Have the goodness to proceed in giving an account of what passed with these two females?—I sat with them, and I rather believe, but I am not confident whether I drank tea with them that afternoon or not; I sat with them from half an hour to an hour; I should suppose I might stay probably the greater part of an hour.

During that hour you think you drank tea with them?

I rather think I did, but I am not confident.

or the ladies, you drank tea there that afternoon?—Not being perfectly satisfied that I did drink tea there, I cannot answer the question.

But you staid a considerable time there that afternoon?—Yes.

Do you recollect any part of the conversation, or the turn of the subjects of conversation during the time you were there with those ladies?—Not particularly, certainly.

How did you introduce yourself or begin the conversation with these ladies, you being a stranger?—It is impossible at this distance of time to say how I did it; I certainly paid that attention to a very handsome woman whom I found there, which a man might be very naturally expected to pay.

By that person you have so described, which of the sisters do you mean so to describe?—Lady Berkeley.

You knew the other to be Mrs. Farren, the wife of the Mr. Farren you knew?—I cannot say that I knew it at the time; but when I repeated my visit I knew it certainly; I cannot take upon me to say I knew it that day.

Was it to Lady Berkeley your attentions were particularly directed?—Certainly.

How were they received?—Not particularly objected to, and with no particular degree of forwardness; I do not recollect that there was any thing particularly forward in Lady Berkeley's conduct; nor did she appear offended with my conduct.

She conversed familiarly with you?—Yes.

During the time you were endeavouring to make yourself acceptable, was there any thing to discourage you in the prosecution of that object?—I do not take upon me to say that there was any thing either particularly encouraging or discouraging; there was a conversation passed between us, but I should suppose that conversation which is likely to take place between a young man and a young woman so circumstanced.

Was there any thing passed during that visit which led you in the smallest degree to suppose that that lady was a married woman?—Certainly nothing.

The witness withdrawing, and being again called in, was asked,

Can you now recollect any thing more particular that passed at this first visit?—I cannot.

Upon your going away, was any thing said on either side of an intention to renew your visits?—I do not recollect that there was; there might be.

About what time in the day was it that the first visit was paid?—It might be seven or eight o'clock; seven I think; it was after dinner; I recollect perfectly.

Was any other person with you during this first visit?—Whether any person was with me while I was walking: I rather think there was.

He then proceeded to state, that he renewed his visit on the Friday after dinner about seven o'clock, going up into the same room where he had been before, where he found Lady Berkeley alone; he could not tell exactly how he introduced himself further than by intimating, that having visited her before, he was in consequence come to visit her again. He said she intimated neither surprize nor objection; that he staid and drank tea with Lady Berkeley alone; but he acknowledged that inviting himself, she only acquiesced in it. Though he could not exactly recollect the conversation, he asserted, that nothing was said by her intimating that she was a married woman. He visited her four times upon the whole, always in the afternoon; but being asked whether, during the third time Lady Berkeley was alone? he could not say whether her sister, Mrs. Farren, was present or not. Though he drank tea there twice, he could not recollect the particular days; he thought he staid about the same time each visit. On what particular day he could not recollect when Mr. Farren, the husband of Mrs. Farren, came into the room.

Being asked, whether at that time there was any female in the room except Lady Berkeley, he answered,

No; I remember perfectly well there was not.

State what was passing between you and Lady Berkeley at the time Mr. Farren came into the room?—Premising, that nothing criminal, I solemnly declare, ever did pass between Lady Berkeley and myself, I must submit to their

something of that sort might be passing; but I most solemnly declare, that nothing criminal ever passed between Lady Berkeley and myself.

What was the nature of the liberties, if any, that were passing when Mr. Farren came into the room?—I certainly was taking liberties with Lady Berkeley at that time, unquestionably.

Was it with or against her consent?—Certainly with a degree of reluctance on her part.

What was the nature of the liberties you were then taking?—I was saluting her.

Were you upon the ground with her?—I rather think not; but I will not take upon me particularly to say. There was a moment, I believe, when by accident she had slipped off her chair, and whether it was at that moment Mr. Farren came in, I will not take upon me to say.

During any part of that time was any the least intimation given to you by Lady Berkeley, that she was a married woman?—Certainly not.

Did you receive from Lady Berkeley during this time, or at any time during the visits, any reprimand or condemnation of what had passed?—Lady Berkeley certainly did occasionally express reluctance at liberties that I attempted to take.

Was that during the period those liberties were taking, or before or after them?—She expressed a reluctance every time I attempted to take any liberties of that kind, certainly.

After that passed, had you any communication with Lady Berkeley after you went to Hereford?—When I was at Hereford I wrote to Lady Berkeley.

Did you receive any letter from Lady Berkeley?—I did.

Is that letter in existence, or is it destroyed?—It is lost. I believe I may say destroyed.

State, as nearly as you can, the contents of that letter?

(By Mr. Serjeant Best) Was not the letter you received in answer to the one that you had written?—Certainly.

(By Mr. Solicitor-General.) Have the goodness then to state the contents of that letter written by Lady Berkeley?

Mr. Serjeant Best objected to the evidence.

The witness was directed to withdraw.

Mr. Serjeant Best was heard in reply.

The witness was again called in, and the question directed to be read.—It was in answer to a letter written by me; I do not know whether I am at liberty to state to your lordships what the contents of my letter were.

State only the contents of Lady Berkeley's letter.—The contents of Lady Berkeley's letter were rather of a favourable expression towards me. It begins with a complaint of my making a request to her to meet me alone, unaccompanied by any female friend; that if my intentions were honourable towards her, I should have rather desired her to bring some female friend with her whose presence would have prevented any improper circumstances taking place at the meeting; which was pretty near the whole, at least that was the substance of the letter I received from her ladyship.

Can you at all recollect in what way the letter began?—I certainly do recollect the peculiar expression; I certainly do recollect the first expression, and I think I can venture with confidence to say that it began in these words, "Maria with equal heart sits down to answer the letter she has received." I beg leave to state that it was the peculiarity of the expression that made that impression upon me, that I am confident I can state it correctly.

During any part of the time of your visits to Lady Berkeley, did you observe her to labour under any ill health?—I think she stated to me that she had been in an ill state of health, but that she was recovering from it.

Did she appear at that time to be in health or otherwise?—She appeared rather delicate, certainly.

Did you after receiving this letter from Lady Berkeley, continue any intercourse with her ladyship?—I certainly understood from her ladyship's letter, that she would not admit my visits on any other than honourable terms; my situation was such as to render it absolutely ruin to form an honourable connection with her, and I relinquished the connection altogether, and never had any communication with her ladyship afterwards.

As you stated that you had been a considerable time re-

signed merely Maria.; there was no surname added to it.

During the time she lived with Lord Berkeley did she pass as his wife?—Certainly not, to my knowledge.

In his cross examination, being asked if he visited Lord Berkeley? he answered, never; and that he had never been in opposition to him in the county, or had any quarrels; he only acknowledged expressing some surprise after quitting the profession that Lord Berkeley did not think proper to put him into the commission of the peace. Whenever they met, however, they always treated each other with respect.

The letter before referred to, which Mr. Fendall wrote to Lady Berkeley, it appeared, was sent a few days after his first interview at Gloucester, and addressed to Miss Cole; as for Lady Berkeley's letter to him, he proved, that it had been accidentally burnt. He then stated, that he had been applied to for that letter only on the October preceding, by a Mr. Westfaling in behalf of Lady Berkeley, to which application he replied; that as there was a probability of his being called before the House of Lords, he should wish to have no communication with the parties.

Being asked if Mr. Westfaling then communicated to him any letter of Lady Berkeley's, he replied,

I received a letter from Mr. Westfaling I think about a fortnight ago, desiring, that if I had that letter which had been sent to me in the north, I would return it to Lady Berkeley. I immediately enclosed it to him, saying, I thought it would be a much more correct way that it should be returned through him than from me.

Then, at the request of Mr. Serjeant Best, the following questions and answers in the examination of Lady Berkeley, were read; viz.

“Your ladyship recollects having written one letter to him?—“Yes; I did; and if it could be produced, that would at once clear up the whole thing, without my producing the letter to which I have now alluded.

“Your ladyship never sent, through the medium of any person, to desire to have your letter delivered up to you?—No; but I heard Mr. Fendall had talked on the subject

saling, stating the transaction, which letter was put into Mr. Fendall's hands, and he sent his compliments back to me, and that he knew no more of the circumstances of the marriage than what I stated in the letter.

The witness was asked,

Did you accompany that letter with a message to Lady Berkeley, stating that you wished your compliments to be presented to her ladyship, and that you know nothing more of the marriage than was contained in that letter?—I did state to Mr. Westfaling in a letter to the effect your lordship has stated, but not when I enclosed the letter, but when I was in the north in October last.

The Rev. John Chapeau being called in, stated that he had been acquainted with the late Lord Berkeley thirty-five years; that he baptized William Fitzhardinge in 1787, at St. George's, Hanover-square; and had seen his registry, which at the last time he saw it, was a very different thing from what it was at first. The certificate, said he, which I gave to Lord Berkeley, was "William Fitzhardinge, the natural son of Frederick Augustus Earl of Berkeley, by Mary Tudor." Till the christening took place, he did not know whether any, and what lady was living with Lord Berkeley at the time; he then understood that she lived in Park-street, near Park-lane: he also mentioned that she was present at the christening, previous to which he said Lord Berkeley applied to him to christen his child, saying, "he had a natural son, and should be very much obliged to me if I would christen him." Mr. Carrington said, "he could not do it, as it was a natural child, and therefore begged that he would excuse me, for I must apply to the Rector of St. George's parish if I did, and I did not think it was a post of honour to apply for any man's natural child."

What passed upon that?—I told Lord Berkeley I thought his best plan would be to send the nurse and the child after morning prayers to the vestry at St. George's, and there he would find an officiating clergyman that would christen the child and register it at the same time, for I could not register in another man's parish without his

sisted of the child, the mother, Miss Tudor's mother or aunt, I supposed, Admiral Prescott, myself, and the clerk of St. George's Parish.

At what date was this?—It was January the 19th, 1787. At the christening, when I was pulling off my surplice, I found Admiral Prescott writing down what I must have asked him if he had not; I do not mean that it was any thing improper, "William Fitzhardinge, natural son of the Earl of Berkeley, by Mary Tudor."

Was Lord Berkeley present then?—No.

How soon afterwards did you see him upon this subject?—Lord Berkeley prior to the christening, desired that when I had done, I would bring the certificate to his house in Grafton-street. I took the certificate and went up stairs, and found Lord Berkeley without his coat. He said he was in the midst of dressing, took the certificate, and said, "Ali is well, and I will be with you; go and read the paper in my room, and I will be with you in a moment." I waited more than half an hour; I thought him a long time in dressing, and about a quarter of an hour after he came in with his hat on. Says he, "Well, I have been with Dr. Courtenay, and we have both registered the child." I said to him, "And what do you think brought me here?" Says he, "My old friend, I really was so taken up with the desire of registering the child that I forgot you." I concluded it was all properly done, as Doctor Courtenay and he had been together. I did not like the contempt of being left alone in that manner and I told his lordship so.

Did you afterwards see the entry made in the register?—No; I did not; that will come in its course. It was a good while after that; I think it was about two years after that, Lord Berkeley applied to me again, and said, "I know you have a great dislike to christening natural children; but if you will be so good as to stand godfather with Admiral Prescott to my second son, I shall take it very kind, and give to one nurse a guinea, and Admiral Prescott will give a guinea to the other nurse." So the christening went on; but there was one thing that struck me as very extraordinary, when the ceremony was over Lady Berkeley gave a sealed letter to Mr. Pitt, the officiating clergyman.

Did she then go by the name of Lady Berkeley?—Oh

keley till she was publicly married by the Bishop of Gloucester at Lambeth. Mr. Chapeau went on to state, that he had seen the register of the first son the claimant, but never heard of any legitimacy. Being asked if the name was entered Tudor, in the register? he said, not Tudor, but Cole, which name he acknowledged was never suggested or put into the certificate which he delivered to Lord Berkeley; and that he never knew the lady's name was Cole, till she had several children, at the time when Lord Berkeley went to the House of Lords to claim a former marriage. He further said, that he continued very intimate with Lord Berkeley till his going to Spring-gardens; and from that time he never spoke to him; he himself breaking off the acquaintance with his lordship.

Being asked whether, during all the time of the intimacy Lord Berkeley passed as a married or a single man, he replied,

As a single man. I recollect a circumstance that passed on coming from shooting one day; it was Lord Berkeley's custom to ask where Miss Tudor was, and the servant that answered his question said, "My Lady Berkeley is in the pleasure grounds;" to which Lord Berkeley answered, "You fool, whom do you mean by Lady Berkeley, I have no Lady Berkeley belonging to me but my mother." That servant repeated that once after that, but never afterwards.

At what time did that pass which you have now described, as nearly as you can recollect; perhaps you may be able to remember how long it was after the christening of the first son, if it was after?—I cannot make out, it was in the month of October I think; I think it was in October, because that was one of the months I used to go down and shoot with Lord Berkeley at Cranford, for it happened there.

You represented that you had seen Lord Berkeley at Spring-Gardens on his return from the House of Lords?—I did.

Did you see Lady Berkeley there?—Both at Spring-Gardens.

Did you hear Lady Berkeley say any thing upon that occasion?—I sat in the dining parlour with Admiral Prescott, about half an hour before the carriage drove up;

porter in the hall, Lady Berkeley being first, had flounced down in a chair, and looked heated and disappointed, saying, "No more iniquity for me. My children shall go to their church, and shall read their Bible, and shall tread the path of truth and virtue;" and I do not know,—there was another expression; and then Lord Berkeley came in, and that stopped her mouth.

Had any subject been mentioned, to which the reference was of "No more iniquity for me," to which that expression referred?—Not any one; the moment she came out of the coach, she flounced down in the chair, and this was a kind of exclamation to herself. When Lord Berkeley came in, I never saw any countenance in my life so dejected, so chop-fallen, and so miserable. I dined there, Admiral Prescott I believe dined there; Lord Berkeley did not speak a word I believe, and Miss Tudor did talk, but not so cheerfully as at another time.

At any time did Lady Berkeley relate to you any circumstances respecting her history?—She did.

Have the goodness to repeat them.—About October, I cannot recollect to say in what year exactly, I think it must be about 1787.

Have the goodness to relate, as well as you can recollect, all that Lady Berkeley related to you about herself?

Mr. Moore, counsel for the petitioner, requested to know if this evidence was intended to discredit Lady Berkeley?—Mr. Solicitor General answered that it was.

The witness said, When I came into the parlour to shelter myself, I believe it was from rain, Miss Tudor was discharging a servant she had had out of the country, and persuading this girl to return to her friends in the country, telling her she would pay her stage coach if she would. She refused, saying, she liked to stay in London better. Upon which Miss Tudor asked me, if I did not think the girl extremely obstinate; and that a girl with a good countenance, and dismissed from service without money, would be sure to fall a prey to some man or other. In this situation, said she, I was once myself; but having a friend of my mother's, whose name I recollect, and whose house I found out, very luckily was received with kindness; but that kindness did not last long, for he came to me and said. "Marry, you must not stay longer under

tinue, and the old will despise me ; therefore, child, you must go down to your friends at Gloucester." I said to her, " I hope that he did not turn you out without some money ? " " No," she said, " he did not ; he gave me a very handsome present, and with that present I quitted his house and went to my sister Ann Farren, whom I found with a sore breast, two or three children extremely diseased and dirty, and one Mrs. Sheffield, an old servant in the family, who came, upon her necessitous situation, to assist them. The first thing I did was to send for a surgeon to my sister ; the next was to have the children cleaned and clothed, and that dipped very deeply into my present. I remunerated Mrs. Sheffield for her kindness, and, then disliking my situation under my sister, took up my little bundle and marched to my sister Susan's. I took up the knocker ; but recollecting that my mother had given me strict orders never to speak to my sister Susan any more, I laid it down again quietly, and took a turn to reflect upon my disobedience ; but when I thought of returning to all that misery at my sister's, my sister screaming with pain, and the children almost famished with hunger, I faced about, went to my sister Susan's once again ; took up the knocker and gave a loud rap. Who should come to the door, but (as if it had been on purpose) my sister Susan herself, dressed out in all the paraphernalia of a fine lady going to the opera. She took me into her arms, carried me into the parlour and gave me refreshment ; began to tear a great many valuable laces of sixteen shillings a yard, to equip me for the opera, and when I was so dressed I looked like a devil. I went to the opera and was entertained with it, and at night returned again to my sister's, and there I found a table well spread ; not knowing that my sister ever had any fortune. At that table were Lord Berkeley, Sir Thomas Kipworth, I think a Mr. Mariot, and a Mr. Howarth ; the evening went off very dull, and they soon left the place. The next night we went to the play in the same manner, and returned in the same manner, and with no other difference than a young barrister, whom I thought agreeable ; and if I had been frequently with him should have liked him very much. When they went away, I requested my sister to give me a cheerful evening, that we might recount over our youth-

of our mirth a violent noise was heard in the passage, and in rushed two ruffians, one seizing my sister by the right hand, and the other by the left, trying to drag her out of the house in order to carry her to a spunging-house. She told me the men declared they would not quit Susan her sister unless they received a hundred guineas. She fainted away; then, when she came to herself, she found Lord Berkeley standing by her sister Susan, who was not there before. Miss Tudor fell upon her knees, and desired my Lord Berkeley to liberate her sister; that she had no money herself to do it, and if he would do it, he might do whatever he would with her own person; he paid down one hundred guineas, the ruffians quitted their hold, and my lord carried off the lady.

In the conclusion, did her ladyship say any thing?—Yes; she said, “Mr. Chapeau, I have been as much sold as any lamb that goes to the shambles.” The maid-servant was also present at this conversation.

After stating some particulars of less importance, relative to a Mr. Aubert and a Mrs. Bell, whom he had seen at Berkeley castle, Mr. Chapeau was asked, whether when present at the christening of Lady Berkeley’s second son, did not occasion him much surprise, namely, that Lady Berkeley put a sealed paper into the hands of Mr. Pitt the officiating clergyman, what were the circumstances which occasioned such surprise?—The first was, that I conceived that Lady Berkeley had put the guinea which I gave to the nurse, and Admiral Prescott’s guinea which he gave to the nurse, and conveyed them in that letter; that was the first: then the next was, I concluded when I knew the name of Cole, that it was to hide the name of Cole from me, who had never been acquainted with that name.

You state you had been more or less in habits of intimacy with Lord Berkeley, and lived a great deal in his society; did Lord Berkeley ever make any communication to you of any matter of confidence on any subject whatever: any secret confidential communication relative to his affairs, or other matters?—A thousand, if I had memory to retain them. If you please, I do not think I can go on, but I will try. Lord Berkeley and I used to ride out when we were alone five days in the week together. Once he said, “Oh, dear Chapeau, I am very low-

set born out of wedlock, and that man was my schoolfellow, and a man I loved exceedingly, and whenever I think of him I am always unhappy. I attended him all through, his illness; he drank himself to death, because he was disappointed in the title." And he said, "Believe me, my children shall never experience such cursed villainy through my means."

Can you state the date of that conversation on the subject of Mr. Smith?—I should think—No, I cannot.—Five hundred things of that kind Lord Berkeley has said to me.

Among other particulars, Mr. Chapeau admitted that the Lady Dowager Berkeley, whom he had seen in company with Lady Berkeley, behaved with great affection towards her, calling her child, child, till he was sick of it. He also mentioned a Mrs. Bell, who frequently visited at Cranford till she quarrelled, Miss Tudor taking very little notice of her after she became Lady Berkeley; but he could not recollect whether Mrs. Bell called her Lady Berkeley or not.

Mr. Chapeau being asked whether he had ever repeated the narrative Lady Berkeley gave him of her life to any person, mentioned the names of Colonel Boscawen, Mr. Scroggs, Mr. Evelyn Meadowes, and Lord Dunmore, who was then dead; and this as a proof that he did not think she was married the first time.

Did you ever in any of the confidential conversations you had with Lord Berkeley mention this circumstance to him?—No, I never should have thought of such a thing: I could not tell whether it might not be a great injury to both parties; I might have made my lord unhappy, and might have separated them when they were together, and I did not like to be the author of that; they were to follow their own plan.

Endeavour to recollect whether you have not given us the date of the conversation with Lady Berkeley, in which she related the circumstances of her life, that you supposed it was about a year and a half subsequent to their connection?—I told you before of dates, that at my time of life they were very distressing to me, and in consequence of

that; I only concluded that it was about that time by the circumstance of Miss Tudor being down there, and my being down there myself with my family.

When Lord Berkeley told you concerning his regret about the circumstances of Mr. Smith's death, did it not bring to your recollection the narrative which Lady Berkeley had given you?—Not the least in the world; I did not think there was any thing similar in the case.

Did you not think there was something similar between the Duke of Dorset's having an elder brother, who, from being a natural son, was not entitled to the title, and Lord Berkeley's having natural children, who you knew would not be entitled to the title of Berkeley?—I do not see any thing that could bring it to my mind at that time, I really do not recollect that it struck me there was any similarity; there was a similitude, because Lord Berkeley made the remark, that he would not commit the same offence.

Did you understand Lord Berkeley to state to you at that time, that he would not marry Lady Berkeley after having had children antecedently by her?—Never that he would not marry. I do not recollect Lord Berkeley talking any thing about marriage to any one in the world; but once he spoke of Miss Caroline Oury that he was very fond of, and most people thought he would marry her, and I asked him why he would not, and he said "Oh dear no, you shall never get the marriage chain round my neck."

Can you state when you left your house at Cranford?—I have had half a dozen houses. I do not know which you allude to.

Can you state when you last left off living at Cranford?—No; there is something perhaps may lead to it; I do not know. Lord Berkeley had run the matter of game so hard with respect to the people, that I foresaw there would be a kick-up of the whole, and I told him I wished he would take care; there were many ways by which he might prevent it, and if he would he might enjoy his game for years; and if he would not, there would be an end of it very soon, which was, to give the farmers and the men, within the range of his manor, a good dinner of venison, ale, and wine; that that was the best way

Did Lord Berkely agree with you on the subject?—No, he did not, and lost his game entirely; and now I will tell you how he lost it. Lord Berkeley, and the son of one Harris a schoolmaster of Uxbridge, had been at variance a great while about shooting; he had killed a great deal of game, and paid a great deal of money for it, and he went one October to Oxfordshire and collected about a dozen farmers' sons that were just qualified, and when my Lord Berkeley and I were shooting under D'Oyley's wall together, I saw a quantity of people coming each with a dog under his arm, that he had picked up at Uxbridge. Lord Berkeley's covers are intersected with roads, and they put down those dogs that they had picked up; they did not belong to them, but they had picked them up in the town; the dogs ran about and disturbed the game, and the farmers shot; and under D'Oyley's wall we first heard this uproar. Lord Berkeley seemed to be very much distressed, and violently angry, and rode up to the spot where they were firing, I thought by platoons. I followed Lord Berkeley close to his heels; and when I came within half a mile of the insurgents, I jumped of my horse, took Lord Berkeley's bridle, and told him that he should hear me before he stirred. I asked Lord Berkeley "there is a poor woman you have seduced at home, there are two or three children, or four I believe that you have, who are holding up their little hands to you for protection, you must give in, and not set their lives, their comfort, their happiness, against a parcel of foolish pheasants and hares." My Lord Berkeley sunk his bridle, suffered me to lead him through Bull's Bridge Gate; I locked the gate and threw the key into the hedge and went away, and never shot afterwards.

Can you state the time that Lord Berkeley mentioned to you he would have wished to have married Miss Oury?—No; his sister, the Margravine, was there for a month, and I believe he would have married her, if she had not intreated him not.

When was that?—I do not know.

Can you state how long you were acquainted with

Berkeley is a very generous sort of a woman, that relates a great many things without thinking much about them. She has a great many good qualities belonging to her ; she really is very artless in what she relates to any body, and very prompt, and therefore not very guarded ; by no means guarded in what she says. I am sure I was as much surprized as any body in the world.

Was this the first confidential conversation you ever had with Lady Berkeley?---I think it was the first and the last I ever had. I will give you a proof of Lady Berkeley's artlessness, she is a very artless woman, and a woman who I think has been very ill used through life, for I think she has a great many good qualities. I saw her in Spring Gardens ; now I shall surprise you more. I went to call on Lord Berkeley in Spring Gardens, not long I believe after the death of the mother ; the eldest boy had been shut up by her, a good big boy, because he had been very insolent to his mother ; when I came into the room I asked Miss Tudor where Master Berkeley was, she said he was shut up in the room within the drawing-room, which was a bed-chamber, and had been shut up several hours without any victuals. I said " Ma'am, I think you do wrong, for the child will be ill, do liberate him, (being confined for so many hours) ; she went into the room, fetched the boy out, with a stick in one hand and her other hand upon his collar ; she said " go and thank Mr. Chapeau for your liberation," and she then added, keeping hold of him the while, " Now you little dog, though I am not your father's wife, I will make you know through life I am your mother."

Do you state upon your oath that she said she was not the wife of Lord Berkeley?---I do say so : I relate this as a circumstance said to the child.

Do you upon your oath state to the house, that she stated herself not to be the wife of Lord Berkeley?---I am really convinced that this is what I heard her say.

Can you swear positively to the words, that her ladyship declared herself not to be the wife of Lord Berkeley? ---She made use of those words that I have related.

Do you recollect whether any person was present be-

Before this conversation passed?---Yes, before this conversation passed.

At what time did this conversation pass?---I should think about tea-time.

You have said, that you understood from Lord Berkeley that Admiral Berkeley was heir to his titles and estate; did Lord Berkeley represent him as heir to both his titles and estates?---Lord Berkeley represented him as having the earldom, and all that was connected with it, and giving the other to his own children, to whom he said he had the power to give all; but I told him he was very much mistaken; that Berkeley-square he had no power over at all, but that went with the title; and therefore he did not understand his own situation.

You represent Lord Berkeley as representing that over the title he had no power, and that Lord Berkeley had power over the whole of the estate; upon which you observed to him that he, Lord Berkeley, had no power over the Berkeley-square estate?---Yes.

Then William Fendall, Esq. was again called in, at his own desire, to explain his evidence, and said, I am desired to state my opinion with respect to the character of Lady Berkeley at the time I was acquainted with her. I can only say, in addition to what I have already stated, that whatever my opinion was when first introduced to her, subsequent circumstances have materially changed that opinion, and that I have no reason to believe she was otherwise than virtuous.---Adjourned.

On the 21st of May the Rev. Anthony Hamilton, D.D. Vicar of St. Martin's in the Fields, being examined, he verified the entry of the registry in the books of that parish; being, as he stated, subscribed by him in consequence of another paper exhibited to him by Lord Berkeley, who was introduced to the doctor by Mr. Boodle, in April the 19th, 1810, and to whom till then he was quite a stranger.

James Simmonds, land-steward to Lord Berkeley, being called in, he gave evidence respecting the Registry Book, which was deposited in the evidence room in Berkeley Castle on the 7th of March, 1799, and delivered to him for that purpose by the Rev. Mr. Carrington. Being cross-examined whether the books were in the evidence

down into the breakfast parlour, for the purpose of shewing them to him, and certifying them." He added, that he had the key constantly in his possession when the family were not at the castle. To his knowledge, no other person had a key of that room.

Mrs. Anne Foote being called in, produced Mrs. Cheston's letters, particularizing the time when Lady Berkeley left her house in Kent, viz. December 30, 1804.—Anne Powell, the housekeeper, afterwards Mrs. Manning, quitted it on the 2d of March, 1785.

Being asked what was the character and conduct of Lady Berkeley when living under her roof, she said, "it was irreproachable," and that she never discovered the least lightness in her conduct while she was under her roof.

Ann Manning being called in, acknowledged that Lady Berkeley did receive letters during the time she was in the service of Mrs. Foote, which were generally brought to the house by the gardener. She also stated that she knew of no levity in the conduct of Lady Berkeley. After she received letters from her sister Turner, this witness said she used to laugh and joke, and say, if ever she was a lady, she would have her for a housekeeper: she was often talking in that sort of way, and reading novels. She seemed to have a very high turn.

Hannah Davis, who had lived servant with William Cole, the father of Lady Berkeley, stated the time of her service; her being at the Swan, in the parish of Barnwood, when William Cole, besides keeping a public-house was a butcher. She also confirmed a variety of particulars which had been stated relative to Mr. Cole's family and their connections; but knew nothing of Lady Berkeley's brother passing by the name of Tudor. Her sister Susan she represented as very handsome, when she came down in the country in a phaeton with a black servant.

On the 22d of May the Rev. John Lloyd, senior curate of Lambeth, was examined, and proved having performed the marriage ceremony between Lord Berkeley and the lady that he married in May 1796.

Walter Mayers, who kept a silversmith's shop in the Westgate-street, Gloucester, stated that in 1785, Lord

butchers, were the Miss Coles; he had never seen Lord Berkeley speak to Mary Cole during that period. He knew she had a brother, but had no personal acquaintance with him. The witness had been in Gloucester upon the whole two or three and thirty years.

William Baker, a serjeant in the Gloucester Militia, proved that he had seen the Earl of Berkeley at Gloucester with the militia when they were embodied.

Mary Mayers remembered Lord Berkeley and the officers of the militia coming to her husband's shop in May 1785. With respect to the daughters of Mr. Cole, at that time she observed they dressed plain and decent, but had nothing particular in their appearance that she recollected; she could not remember that Susan went by the name of Turner.

Sophia Fletcher, formerly named Watts, was well acquainted with the family of Mr. Cole, stated that during the time Mary Cole was at Gloucester, she began to dress a little rather flashy; wore better things, rather costly; never heard of an aunt of the name of Tudor. She said the school kept by Mrs. Clark, to which Mary Cole was sent, was a creditable school where, young people continued for the completion of their education till they were sixteen or eighteen years of age, and sometimes twenty. Could not state at what age Mary Cole left that school; and Mrs. Clark had been dead many years.

William Griffith presented an extract from the register of the parish of Barnwood, which stated that William Cole was buried on the 14th of January, 1783.

Daniel Willey, Esq. an officer in the Gloucester Militia, proved that it was embodied in 1785, and recollected seeing Lord Berkeley there at that time; the witness was in Mr. Farren's shop at the corner of Bell-lane, saw Lord Berkeley look into the shop as he passed by; when he returned very soon and looked into the shop again, and the witness thought he looked at Lady Berkeley. He said, "Soon after I came out of the shop Lord Berkeley came to me, and asked me who that pretty girl was who was in the shop? I said, jokingly, 'My Lord, I must

January and the May month ; I mean that this first happened, and afterwards I saw Lord Berkeley.

By the words, " that this happened," you mean the circumstance of Lord Berkeley asking who this pretty girl was? that happened between January and the May month?---Yes.

The May month in which the militia was out?---Yes.

What passed with Lord Berkeley?---I happened to dine with the late Sir Edmund Jeynes: and as I was going to dine with him, I saw the present Lady Berkeley at the window in the Southgate-street, near the Bell-lane. Lord Berkeley came to me afterwards, and said, " Willey, where is that pretty girl that I saw you talking with in Farren's shop?" I said, " My Lord, do you wish to see her?" he said he did; he seemed very anxious to see her. He said, " Do you know where she is?" I said, " Yes I do, my Lord;" " then come along;" and so we went together to the Southgate-street, to the corner house of Bell-lane; and I said, " My Lord, if you look up to the window at the left, you will see her there. He looked up, and said, " There she is." He said, " Will you introduce me to her." I said, " No, my Lord, I cannot introduce you; you know where she is, and if you wish to see her, you can introduce yourself."

Did you observe what became of Lord Berkeley after that?---We parted.

Which way did Lord Berkeley go after that?---I cannot recollect.

Did he go into the house?---No, he did not.

You spoke of dining somewhere?---Yes, I dined a day or two before at the late Sir Edmund Jeynes'; he lived almost opposite to the house where Lady Berkeley was.

Did you observe Lord Berkeley go into the house at any time?---Never.

What year was this?---It was between the 15th of January, and I cannot exactly say, but I think the May month in 1785.

Can you say positively whether the first time when Lord Berkeley saw you in Farren's shop, and afterwards inquired who the pretty girl was whom he had seen in Farren's shop, was before or after the ceasing of the payments from Mrs. Farren? was it before or after the 30th of October.

January and the May month of the following year; but I cannot bring the period to my recollection.

Cross-examined.

Did not that which you have stated pass in the year 1784, and have you not constantly said so?—I could not recollect exactly the year; I know that it was after the time that I sold the castle to Farren that Lord Berkeley saw me in the shop, but I could not tell the time, whether it was in 1784 or 1785, as I said before; but it was between January 1784, and the May month in 1785.

When you saw Mary Cole in Farren's shop, was it in January 1784?—No, I said I sold the cows to Farren on the 15th of January, 1784.

Will you venture to state you have any distinct recollection of any date after that of the year or month?—I know it was between January, 1784, and the May month in 1785; and it was soon after Farren was in goal that I was in the shop at the time; but I do not recollect whether Lord Berkeley came by at that time.

Do you remember when Farren went to goal;—No; but I think it was soon after January; whether it was in February I cannot say.

When you use the words January and February, do you mean in the year 1784?—Yes.

And all which you speak of passed soon after that time?—I do not say that Lord Berkeley saw me in the shop at that time; it might be in February; I did not minute it down, and therefore cannot tell; but I recollect very well it was between January, 1784, and May, 1785.

You say it was very soon after Farren went to goal?—Yes, that I was in the shop; but I was in the shop with Mrs. Farren after that.

Was that two months after that?—Yes, I dare say it was; for I was in the shop after Mrs. Farren left off the payment of the money, on the 30th of October, 1784.

You have no distinct recollection of the dates?—I never minuted them down.

Re-examined.

Though you do not particularly recollect dates, are you quite sure that the payment continued to October, 1784?—I am convinced of that; I have a memorandum of that.

Are you sure that it was after that time that you were in

I asked Mrs. Farren; she had told me she would pay a guinea a week, and I went to her to ask why it was not paid, and she said she had not means to pay any more.

Was it after that, that that passed in Southgate-street, which you have described?—Yes, it was considerably after; it was at the time Lord Berkeley saw Lady Berkeley at the window; that was in the May month to the best of my recollection.

The May month of what year?—1785.

Examined by the Lords.

Recollect how Lord Berkeley was dressed when that passed relative to the house in the Southgate-street, when he asked you to point out the lady?—I think he was in his regimentals, but I cannot say exactly; for sometimes he wore a blue coat with a red collar when he was not in the field.

Do you remember that he was either in regimentals, or a blue coat with a red collar, when this passed?—Yes.

Had you occasion to press Mrs. Farren for payment down to the 30th of October, 1784?—No, for she paid me very regularly.

Did you press Mrs. Farren for the payment of the money immediately after the 30th of October, 1784, or after a lapse of time, she not having continued her payments?—I cannot exactly say to the date, but I recollect very well that I came up the Westgate-street, and I turned into the shop, and said, “Mrs. Farren, you have not been so good as your word.” I did not press her more for the money, she said she was very much distressed, and I did not think any thing more about it.

How much was due from Mr. Farren?—Seven guineas.

Then it must have been seven weeks subsequent to the 30th October?—No, seven guineas was what remained due; Mrs. Farren paid me very honourably, and I believe would have continued it, if it had been in her power.

Do you think Lord Berkeley passed by the first time you made application to Mrs. Farren or not?—That I cannot recollect.

William Hill, who kept the White Hart, next the house of Cole, in Southgate-street, remembered seeing Miss Mary Cole there, and then as the militia were drawn up in the street, thought that he saw Lord Berkeley pay her

ship spoke to her: respecting her dress, he said she appeared like a lady's maid, or a person in that condition; he knew nothing of William Tudor, or an aunt of that name.

Charles Gwinnett of Barnwood, proved his being well acquainted with the family of the Coles; he remembered William going to London about 1786, at which time he never recollected his being called by the name of Tudor; he never heard of Lord Berkeley being at Cole's house. William Griffith produced the register of the burial of the elder Cole.

Esther Edwards, formerly Pickering, proved seeing Mrs. Farren and her two sisters in or about October, 1786, at her house, No. 15, New Street Square, London.

Mrs. Elizabeth Hicks, daughter of Mr. Hupsman, proved she was in Berkeley, the whole of 1784, and till the beginning of February, 1785, on the 6th of which she went to London. Before that period she knew Lord Berkeley had been at Berkeley some time. She then with her father, Lord Berkeley, and Admiral Prescott, went to London, where she remained eight weeks, setting out into the country from Lord Craven's house on the 3d of April.

She said she returned to Berkeley in company with Lord Berkeley and Admiral Prescott, by Lord Berkeley's appointment, who said, he would take her back with him, and did so by calling for her in his carriage at Lord Craven's, about seven o'clock in the morning. On being asked when Lord Berkeley apprized her of his intention to return, she could not recollect exactly to a day or two, but said Lord Berkeley made the appointment by saying, I will take you back to Berkeley on Sunday. At Berkeley she attended church constantly, but never to the best of her recollection, heard the banns of marriage proclaimed between Lord Berkeley and Mary Cole. She seldom missed going to church; nothing but illness ever prevented her. In the register of the marriage at Berkeley the words, "The mark of Richard Barns," she did not think was at all like her father's writing.

Elizabeth Hunsman the widow. confirmed the evidence

his," Mr. Hupsman's "hand-writing." In the register of the banns of Lord Berkeley she observed there was a faint similarity in the words Hupsman. The entry she did not think was in the hand-writing of her husband.

Dining with Lord Berkeley in 1796 or 1797, after the second marriage, she observed that Lady Berkeley possessed a considerable degree of ascendancy over him, and that the concerns and control of the family were principally managed by her.

Being asked if Lord Berkeley attended church when in the country, she answered very seldom, and she had no recollection of his being there in the months of November and December, 1784. The cause of Mr. Hupsman's quitting Berkeley, she believed to be owing to his pecuniary circumstances.

Henry Boniface, butler and house steward to Lord Berkeley, never heard of any such thing as banns between Lord Berkeley and Mary Cole: and being asked when did Lady Berkeley first come to Berkeley Castle? he answered "On Sunday morning the 11th of November, 1787, she left Cranford, and arrived at the castle on Monday the 12th." To the question, do you know Mr. Tudor? he answered "No, I have never seen him to my knowledge, I should not know him if I was to see him."

Being asked if he remembered a lady living with Lord Berkeley of the name of Bailey? he answered she lived at Cranford with Lord Berkeley a good while, he could not recollect how many years. He left Lord Berkeley in 1788.

Sarah Jones, who lived servant in the castle upwards of twenty years, left it in 1785, at which time she had never seen the present Lady Berkeley there, nor ever heard of any banns.

Margaret Hicks, the widow of the Rev. Robert Hicks, being called in, could not identify the supposed writing of the Rev. Mr. Hupsman; nor did she recollect any ladies, one or two excepted, visiting Lady Berkeley prior to 1796, who till then was received in the country as Miss Tudor.

Sir Isaac Heard, garter king of arms, stated his having

William Cole, junior, at Wootton, proved, that being in the habit of going to school with him at Gloucester about four years, never heard him addressed by any of his family otherwise than Bill or Billy Cole; he still thought it possible, that the latter might have an aunt of the name of Tudor without communicating it to him; he also mentioned, that Cole's eldest daughter was married to Farren before the father's death, at which time the other two daughters, Mary and Susan, were living under his roof: some time after which, he understood they went to London; could not say how long Mary had been at Mrs. Clarke's school after the death of her father; he thought it might be half a year or more.

William Hudd gave his evidence to the same effect; he as well as Mr. Gwinnett, used to accompany William Cole from Wootton to Gloucester, when the latter went to school at Mr. Cooke's, in Oxboddy-lane, and the former at Mr. Mutlow's. Robert Long, of Huckleycote, about two miles from Wootton, who lived as an apprentice to Farren, the son-in-law of Cole, senior, never heard the younger, William Cole, called Tudor in his life.

William Strain, journeyman to Mr. Cole, corroborated, this evidence; he left his master because he could not pay him his wages; though he received it when he went away.

John Gwinnett followed the two preceding evidences with respect to the situation of William Cole; but he being employed as a porter in London by Mrs. Turnour at the latter end of 1785, was sent to the Gloucester Coffee-house to meet Mary Cole, and to take her down to her sister's house in Charles-street, Berkeley-square, to which place he walked with her, carrying her luggage. At that time, she was dressed very plain. This was about Michaelmas, 1785. Mrs. Turnour at that time did not pass as a married woman. He was employed in her house about a fortnight, while he was out of place, but never saw or heard any thing of Lord Berkeley.

John Clarke, officiating clerk of Berkeley, proved, that he filed that situation from 1782 to 1797, excepting when absent about 1791. Pruett, who died in 1798, had sometimes officiated for him. He corroborated the preceding

Lady Berkeley to be asked in the church by Mr. Hupsman, and I in the church without my knowing it? my answer was, "Not legally my Lord: that was the question, and that was the answer, and there it ended. The handwriting of Mr. Hupsman, this witness would not take upon him to verify upon oath; he, the witness, thought banns to be published legally, should be published in an audible voice. He also proved, that Mr. Hupsman died near Salt Hill, in Kent.

On the 31st of May, Maria Lumley, widow, was called in; she had been acquainted with the late Lord Berkeley from a very early period. The following question being put to her, "Do you recollect seeing Lord Berkeley upon occasion of observing a picture of his two sons?"—She answered,—"It is not exactly so.

Have the goodness to explain what was the circumstance?—My Lord Berkeley was in the habit of visiting me as an acquaintance. My Lord Berkeley called on me one morning, I cannot say when, in the year 1791, 1792, or 1793; it might be previous to that time: some of our mutual acquaintance had told me that there was or was to be a picture of my lord at the exhibition, together with his two children, and that they were very fine children. In the chit-chat of a morning visit, I remarked it to my lord that I had heard of the picture and of the children: my lord answered me by saying, "they are, indeed, lovely children, would to God they were legitimate;" those were the words.

Did you make any answer to that?—Yes, I did = I said something like these words: I cannot quite call to mind; I believe these were the words, "It is indeed, a thousand pities, but that cannot now be helped: or "that it is now impossible;" something to that purport, as near as I recollect those were the words. My lord seemed by his manner to feel the subject, and of course I changed it; he said no more to me about the children.

You said you could not exactly fix the time of this conversation, whether it was in 1791, 1792, or 1793?—That is as nearly as I can call to mind at this distant period; Lord Berkeley was living with Lady Berkeley?—I certainly had heard that, because I had been to Lord Berkeley's children; my lord was in the habit of visiting me as an acquaintance.

brother, and my connections, and I had heard that my lord had children, and that there was a lady the mother of the children.

Did you, who were very intimate, and had been intimate with Lord Berkeley for many years, visit that lady?—No, I never in my life saw the lady or the children.

Were you in the habit of visiting at Lord Berkeley's house during the time while that lady was living with him?—No, I used to see Lord Berkeley at our different friends' houses, and my own, but I never was at his house.

Examined by the Lords.

Do you recollect by whom that picture was painted?—I never heard: a mere acquaintance had said to me, "there is my lord's picture in the exhibition, and his children;" and I naturally said to him, "I hear there is your picture in the exhibition, and your children, and they are fine children;" and he made answer, he was leaning against the table between the windows of the room, and he put his hand to his forehead when he made the answer, and he walked down the room and returned to near where I was sitting, and he sat down himself, and said what I have stated.

Did you ever mention this fact at the time?—Not at that time; but I did mention it in the year 1799, when the subject was recalled to my mind, and the subject was discussed in this house; after that period I never mentioned it again except to my intimate friends till about six weeks ago, when I happened to be in conversation with some intimate friends, and I unguardedly repeated these words; they were repeated somewhere else, and I was ordered to come here. I never thought of repeating them else.

To whom did you mention that fact in the year 1799?—To some of my particular friends; I could produce them.

Could you name any one of them?—Would they be called here if I named them? it is an awkward thing for ladies to appear here; but I could quote my son, who could remember my having mentioned them; I could certainly quote ladies.

What is your brother's name?—Mr. Mears; his town house is in Park-lane. My brother was a friend of Lord Berkeley's, and in his regiment; they were intimate friends from the time I can remember.

Benjamin Sadler, one of the executors of the late Mr.

produced the books of the deceased, in none of which the name of William Tudor appeared. Bills for medicines for Mrs. Farren and her sisters were also produced, which amounting to upwards of eleven pounds, did not appear to have been paid. The witness did not know that William Cole, or Tudor, ever was an apprentice to Mr. Parker, he not being in Gloucester at the time.

Mr. Solicitor General stated, that one of the witnesses who had been examined (Mrs. Foote), was very anxious that a circumstance in her evidence should be explained, which he had communicated to his learned friend Serjeant Best, who also wished that the circumstance should be stated to their lordships; namely, the offer made to Mrs. Foote, of fifty pounds, which undoubtedly was offered to her, but it was offered under these circumstances: she had been desired by Lady Berkeley to ascertain, by reference to her books, some dates. Lady Berkeley was not informed at that time that a similar application had been made to Mrs. Foote on our behalf, and finding that it was necessary that a journey to Gloucester should be made by Mrs. Foote to possess herself of those books, and it being thought that the expences of a journey to Gloucester and back might be inconvenient to that lady, the offer was made at the time when it was understood that she was to undertake that journey for the purpose of giving the result of it by communicating the dates to Lady Berkeley. Mrs. Foote, therefore, wished it to be understood, that the offer was made to her only by way of complete indemnity for the expences of a journey to be undertaken at the request and on behalf of the individual who applied to her; the money she considers to have been offered as an act of generosity, and as the mere expence of that journey, Lady Berkeley not understanding they were to be paid from any other quarter, for Mrs. Foote had been desired not to communicate that she had been applied to by any person to obtain these memoranda, and for the expence of obtaining which she would be remunerated by the individual who had applied to her. Mr. Solicitor General expressed a hope, that he was not doing wrong in explaining this, and was particularly anxious to do it lest it should operate in the smallest de-

knew what the person who made the offer did not know, that she was to be paid the expences of her journey from another quarter.

Mr. John Hathaway, apprentice to Mr. Parker in September, 1785, knew a young man there named Cole, but never in the presence of his master ever heard him called by that of Tudor; nor during his seven year's apprenticeship ever heard him under any other name. He never understood that William Cole was an apprentice there, but only on trial at Mr. Parker's.

Mrs. Elizabeth May went to Mrs. Clarke's school in 1780, when Mary Cole used to come on Monday as a day scholar only, whom she said, left it about the month of September following, after a music meeting, during the time Elizabeth May was at that school; she neither saw nor heard of Lord Berkeley. As to attention from him to Mary Cole, she had never heard of it till after she had done school; she read in the newspaper of the marriage, and was surprised to find there were debates about such a person.

Sarah Barnes, who lived servant with Susanna Cole in April, 1793, in Grafton-street, stated the name of the latter was Edge, and afterwards Hayward. She lived with her from April, 1793, till August, 1794, during which she had seen a person of the name of Tudor visit her mistress repeatedly. Mrs. Edge it also appeared had lived at No. 9, Devonshire-street, Portland-place, in some degree of rank and splendour. Mr. Tudor, she said, married a girl of the name of Lydia Sharpe, formerly servant with Mrs. Edge, viz. in 1791, having first seen her at the house of Mrs. Clayburn, formerly Mrs. Farren, another sister. Tudor, after his marriage, sometimes slept two or three nights at the house of Mrs. Edge, who married Mr. Hayward in 1794, and then left the kingdom with him. A Mr. Taylor had supported Mrs. Edge till that event took place. At that time she understood from Mrs. Edge that her sister Maria passed as Lady Berkeley. Mr. Tudor was acquainted with Mr. Taylor, and frequently dined with him. She never saw Lord Berkeley in Devonshire-street.

Did you live as governess in the family of Lord Berkeley from the year 1792?—From 1792 till 1799.

Do you entertain any malice or ill-will towards either Lady Berkeley, or any one of the family?—Oh, none upon my oath.

Do you come here from any other motive than to speak the truth of what you know?—From no other; being ordered by their Lordships.

Did you communicate to Lady Berkeley, or to any person on her behalf, any part of the subject on which you were to be examined as a witness?—I did impart to Mr. Bruce, a friend of Lady Berkeley's.

When was it that you communicated any thing to Mr. Bruce, at what time was it that you communicated any thing to Mr. Bruce?—Prior to my seeing Mr. Griffith, the day before; I do not recollect the day of the month.

In what month did you come to be governess in the family?—In August 1792, and quitted it in July 1799, I think the 27th.

Do you at any time remember hearing, in the year 1793, Lady Berkeley say whether she was married or not to Lord Berkeley?—In May 1793 Miss Mary Berkeley was extremely ill; Doctor Denman was called in, and of course prescribed for the infant, who was under my immediate care. The medicine being labelled for Miss Tudor, I objected to giving it to the child without enquiring of the mother whether she should have it administered or not. On shewing her the phial she said, that not being married to Lord Berkeley, she imagined Doctor Denman thought the children were not allowed to take his Lordship's name, or words to that effect; as nearly as I can detail them they are verbatim.

Do you remember at any time seeing Mr. Tudor at the house after his return from abroad?—I do.

Was he at that time married or single?—I am not certain whether he was married exactly at that time; but Miss Tudor told me soon after my being there that he was married, and she was extremely angry with him upon the occasion, insomuch that I overheard a great deal of conversation in the room adjoining that in which I was sitting, and she sent him away in a great passion.

Berkeley and her brother on the occasion you have described?
—Yes.

Do you remember hearing from Lady Berkeley in a day or two afterwards, any thing that passed between her and Mr. Tudor?—She brought in a letter into the room where I was sitting, and said it came from her brother; she read a paragraph from it, in which he said he had done what her rogue of quality would not dare do, that he had married to protect innocence and virtue.

Did you enquire whether that letter had been shewn to Lord Berkeley?—I did, and her answer was in the affirmative. I enquired then what Lord Berkeley said; and she told me he said that he must not notice it, otherwise he must fight a duel.

Do you recollect when the Militia was called out in the year 1793?—They were called out, I think, I cannot exactly describe the dates, it might be 1793 or 1794. But the first time his Lordship was called out to the Militia Miss Tudor was extremely unhappy, and feared that Lord Berkeley might meet with some one in the country whom he might marry, and forget her and her children.

Did Lady Berkeley express that fear to you?—In my hearing, to Lord Berkeley.

She expressed to Lord Berkeley a fear that he might marry some one else?—Yes.

What did Lord Berkeley say to that?—He bid her dry up her tears, and not be foolish.

When you lived there, what part of the year did they usually reside at Berkeley Castle?—November, December, January, and February; and sometimes I believe we may have been there in part of March.

Upon occasion of leaving the Castle to come up to another place of residence, do you remember any particular directions being given by Miss Tudor upon that subject?—From the first year of my residing there up to 1796, it was Miss Tudor's express wish that we should never leave any thing behind us, either myself or any of the females.

Did Miss Tudor give any reason why nothing was to be left at the Castle?—The reason she gave me was, that if any

For that reason were all the articles belonging the family removed every time you left the Castle?—Every thing.

Do you know, that whenever they left the Castle, not only the family, but the servants, removed all that belonged to them from the Castle?—Always.

Was there any other reason for that than the reason you have given?—No other: I never enquired any other.

Do you remember about December 1795, or January 1796, your being unwell and confined to your room?—I do.

Upon that occasion, do you remember Lord Berkeley and Miss Tudor being in an adjoining room?—Their bed-room joined mine, and they were talking, conversing very loud one morning when I was in my room, but the subject of that conversation I do not know. Lord Berkeley was coming out of the room, and Miss Tudor followed him with these words; she exclaimed, "Why will not you marry me, my Lord?" his answer was, "I cannot." She repeated it a second time, his answer was the same; a third time, and he said, "I tell you I cannot yet; dry up your tears, and come down to dinner." Miss Tudor waited a few minutes in the passage, and then came into my room. The conversation dropped there.

How did she appear when she came into your room?—Her eyes very much swollen with weeping.

As nearly as you can recollect, fix the precise time when this conversation took place?—I cannot exactly say, whether it was the latter end of December 1795, or January 1796.

Can you be sure that it was not later than January 1796?—I am certain it was not later.

Had you from that time, and until the month of May in that year 1796, occasion frequently to observe the appearance and conduct of Miss Tudor?—She was frequently in tears in my Lord's presence, in so much, that her brother said, he could not tell where she could find her tears, or where they came from; I cannot be particular as to those trifling words.

Do you recollect particularly one day before the 16th of May 1796, Miss Tudor going into the library where Lord Berkeley was?—She went into the library frequently, but she went particularly one day when she had been very dull all

Can you recollect at what time that was?—Perhaps it might be the latter end of April, I cannot exactly say.

At what place was it?—Spring Gardens.

From that time, did Miss Tudor appear to be more cheerful than she had been before?—Much more so.

Do you remember any day in the month of May 1796, Lady Berkeley's going out of her house in Spring Gardens for any purpose to buy furniture?—Two mornings she went out, saying she went for the express purpose of buying furniture for Little Hampton House.

Did you observe any thing that passed upon her return that enabled you to know for what purpose she had gone out?—Nothing more than my observations, that she appeared more cheerful. I could not ascertain the exact day they were married.

Do you remember the family going to Cranford?—We went the following week that she had been pretending to go out to buy furniture. It was usual for the sempstress to mend the children's clothes prior to their going to the laundry; on going into the work-room where the servant was at work, I found her employed in taking out the letter T. in Lady Berkeley's clothes, and introducing the letter B. with a coronet.

Upon that occasion, and from that time, by what name did you address her?—Lady Berkeley.

By what name had you been in the habit of calling her before that time?—Miss Tudor. Lady Berkeley wished me not to call her Lady Berkeley for some time to come; but I thought it necessary to call her so, and likewise the rest of the house.

Were you acquainted with Mr. Tudor?—Yes; he used to visit at the house at Cranford, and in town.

Do you recollect any enquiries made at any time by Mr. Tudor respecting Berkeley?—Oh, frequently.

At what time was it he made those enquiries?—Even down to the month of October, when Thomas Moreton was born.

In what year was that?—In 1796.

What were the enquiries Mr. Tudor made respecting Berkeley; what did he enquire about?—He wished to know what sort of a place Berkeley was; what sort of a town the town was; what sort of a place the Castle was, and how situated; and what sort of a place the Church was.

to fire, and told him he had better come and see it. I enquired of him at the same time if he ever had been there, and he said no, but he might come soon.

Are you sure, that among the enquiries he made, the Church was one of the objects of his enquiries?—It was.

When he said he had not been there, where was it he said he had not been before?—Not to Berkeley.

Did you collect from him whether he had ever been in the Church or not?—The first time he came down was by my writing to him, when Lady Berkeley was very ill.

What time was that?—That was, I believe, the beginning of the year 1797.

Was it after the birth of Moreton?—It was, as nearly as I can charge my memory, it was the beginning of 1797.

Lady Berkeley was then very ill?—she was.

Upon that occasion you desired Mr. Tudor to come down?—I did; she expressed a wish to see him before she died.

Where was she then?—At Berkeley Castle.

Did Mr. Tudor, in consequence of that application, come down to Berkeley Castle?—He did.

Relate what happened after he came down to Berkeley Castle, in the beginning of 1797?—It was on a Saturday; the precise day of the month I cannot express; I cannot recollect it; after being in the Castle some little time, and seeing his sister, he wished me to show him the Church; I did; I think Mr. Carrington was one of the party; the three sons, Master Berkeley, Master Frederick, and Master Augustus. When in the Church I observed him looking about very much, which convinced me that he had not been there before; upon which I put the question, "Have you ever been here, Mr. Tudor," and his answer was, "No."

Do you remember the next day in the breakfast-parlour before dinner, Mr. Tudor being there?—I do.

Was any question put to him by any body, and if so, what was it?—They were very happy to see him, and enquired if he had ever been there before; his answer was, "No."

Who was it that expressed that?—There were several gentlemen, and I think I can take upon me to say, Doctor Jenner was one. Sunday was a public day there, and so many strangers coming at that time I cannot ascertain exactly who

Do you remember in the year 1799, early in that year, Mr. Tudor coming to the Castle?—Yes;

In what month was it?—It was in February I think, the 17th of February I believe; I have a memorandum of that in my pocket.

The witness referred to a memorandum.

(*Q. by Mr. Serjeant Best.*) When did you make that memorandum?—At the time. “On the 17th of February 1799, Mr. Tudor came down to B. C. meaning Berkeley Castle. On the 24th of the same month we all came to town from Cranford, having left B. C. on the 19th.” It was a slight memorandum I made. I left Berkeley Castle with the children on the 19th, they followed me the day after; I slept a night on the road, which made it the 20th I think that I arrived at Cranford; they followed and came to Cranford on the 20th. “C. C.” that is Mr. Carrington, “was sent back the following week.” I never expected this paper would come to light, but found it among some papers the other day; it is very badly written.

Do you recollect what passed on Sunday the 17th, after Mr. Tudor’s arrival?—They were shut up in a centre room; Lord and Lady Berkeley and Mr. Tudor, for I suppose about an hour or an hour and a half.

Were there any particular measures taken to prevent interruptions, or any body hearing or seeing what they were about?—The outer doors were locked, a precaution I had never seen used before while I was in the house, and an extra blind was put to the window to prevent any body looking over from the other side of the Castle; I cannot tell what they were doing.

Had you ever observed that circumstance before, of a blind being put to prevent persons overlooking from the opposite side?—I do not recollect that I had.

Do you recollect when the investigation was going forward in the year 1799, in this house?—Yes, I do.

Do you remember any expression used by Lady Berkeley during that period?—To use her Ladyship’s own expression, she said she would raise Heaven and Hell to gain her point.

Are you sure that you heard her use that expression?—
I am sure,

Did you observe at this time the appearance of Mr. Tudor, during the time this investigation was going forward?—He was very much agitated indeed, insomuch that he used to come to my room, and as many witnesses were backwards and forwards wine and refreshments were placed for them in my sitting room, to ask for a glass of wine. I enquired if he was upon a just cause, why he felt so agitated; he said he felt it more particularly on account of his sister, and that he feared their Lordships would be offended with him for taking another name.

You spoke of his coming for refreshments, was it in the morning that he came to you for wine and refreshment?—Before he came to this house.

Was it before or after his dinner?—Before his dinner.

Had he ever been used to do that upon any other occasion?—No, never.

From the time that you entered into the employment in Lady Berkeley's family down to the month of May 1796, in what way and upon what footing did Lady Berkeley appear to be with Lord Berkeley?—She lived with him, I always understood, as his mistress.

Did the ladies of the neighbourhood visit in the family during the time you were there?—In London and at Cranford a Mrs. Bell used when I first went.

Was there likewise a Mrs. Black?—Mrs. Black at Berkeley Castle, and Mrs. Henry Jenner. There were also, some time after I had been there, Major Austin's daughters used to visit.

Were they natural daughters of Major Austin?—Yes, they were.

With the exception of those persons was there any lady of distinction at the places where they were, who visited in the family?—No, not any.

Did Mrs. Hupsman visit before the year 1796?—No, Mrs. Purnel did not visit till the Year 1797 or 1798.

During the whole time, up to 1796, did the children pass as legitimate children, or illegitimate children?—They were called Master William Fitzhardinge Berkeley; the second son of the late Lord Berkeley.

son, before I went there, and two daughters while I resided there.

Was the eldest son ever called Lord Dursley by any body prior to the Year 1796?—Oh, never.

Who was the youngest son in the year 1796?—Henry.

Who was the youngest son in the year 1799—April 1799?—Thomas Moreton; he was two years and nine months old when I left, I believe.

There was no other son born subsequent to him in April 1799; no other son had been born in the interval between 1796 and 1799?—No.

Have you seen Mr. Tudor lately?—I have not seen him, he has called several times, but I have not seen him.

Where is it that he has been calling upon you?—In Charlotte Street, Fitzroy Square; he had not a card he said, he left his name.

You have not seen him lately?—I have not seen any of the family to converse with them since I left them, that is almost eleven years ago.

On her cross-examination being asked, have you never threatened Lady Berkeley?—She answered no, never, no further than when I left them, I had suffered so much during the last investigation, I resolved to quit the family; I wrote her then to say, I would quit, and that I could be a Friend or otherwise; words to that effect, I wrote to Lady Berkeley certainly; but it was merely to get out of the house, if that is called revenge.

Did not you tell Lady Berkeley you would be her greatest enemy?—Oh, never; Lady Berkeley cannot say it, for I never did.

Afterwards the following paper was shewn to the witness, and she was asked,

Is not the whole of this letter your hand-writing?—Yes, the whole of this is mine.

The same was read as follows :

“ Saturday, July 20th, 1799.

“ Mrs. Price feels herself treated so unlike a gentlewoman in every respect in Lord Berkeley's family, that she begs leave to say she wishes to be no longer engaged therein though

Then the other receipt which had been produced by the witness was read as follows :

" Cranford, July 22d, 1799. Rec^d of the Earl of Berkeley the sum of seven pounds seven shillings, in full of all demands."

" M. J. PRICE."

'They must have made a great mistake in the sum ; I received a much larger sum than that. I did not read it when I signed it. She was in a very great passion ; and therefore I suppose it was written in a very great hurry.

In whose hand-writing is the body of that receipt ?—I rather think it looks something like my Lord's, and I rather think it is his. My Lord was present when I signed it. The date of that receipt is within a few days of the time I mentioned.

Do you recollect the sending that letter which has been read ?—Yes, I do.

Notwithstanding you had sent that letter, did not Lady Berkeley discharge you ?—It was my own discharge. I discharged myself by that letter. It was my request to go. It was before I left the house of course.

Did not Lady Berkeley insist upon your going, after that letter ?—There was no necessity for insisting, because it was my own wish.

Did not she refuse to give you a character afterwards ?—Yes.

Did she not tell you that she would send that letter to any person who applied for your character ?—That I wished ; but I had no occasion to seek for any other.

Did not Lady Berkeley tell you so ?—Yes, I had no sort of objection to its being sent any where.

You have said, that you remember Mr. Chapeau being at the house ?—I do.

Do you remember the circumstance of Mr. Chapeau offended at something that passed there ?—I believe but Lord Berkeley and Mr. Chapeau frequently had words.

Do you remember Mr. Chapeau drawing back as he came into the room ?—I dare say I may if I was to see him, but I did not suppose I was to be asked about it.

he was sitting at the fire-side on the left hand of my Lord ; my Lord used the epithet as they were very jocular of calling him Old Fusius, and Mr. Chapeau was in a passion.

Do you recollect Lord Berkeley, or any one in his presence, calling him any thing else which offended him?—No, I do not.

The word Chapeau?—I do not recollect it.

Are you sure he did not?—I do not recollect any such expression.

Jack Ass you may recollect perhaps?—No, I do not, indeed.

Do you recollect that Mr. Chapeau was very angry?—Yes.

Did he not go away immediately?—But he returned the next day.

At dinner-time?—No, I think it was evening ; they lived very near.

What offence had Lady Berkeley given you before you wrote that letter?—None in particular.

Did you ever make application to Lady Berkeley to give you a character for the situation of a governess since you left?—Yes, I have since.

What answer did you receive?—That she would send my letter that I gave her notice to quit with to any person who applied to her.

Then you consider that Lady Berkeley has prevented your obtaining that situation in consequence of having refused to give you a character?—No ; that would not have prevented my getting the situation, because I had sufficient friends to give me a character ; but I had no occasion to go any more out.

How do you account for having heard the eldest son called Lord Dursley in 1798, if that is the case?—She was called Lady Berkeley from 1796, therefore in 1798 ; consequently I do not know the time they were married, whether it was May or when it was, only my own conjecture that led me to suppose they had been recently married ; then I did not know it for a certainty, but it was no wonder he should be called Lord Dursley after that.

Which son was called Lord Dursley in 1798?—The same, the eldest son.

How old was he at that time?—I think he was in his fourteenth year.

marriage till 1799, when you had heard the eldest son at the age of fourteen called Lord Dursley in 1798?—I did not know what time they were married; it was not for me to enquire. I could not tell even what church they were married at. I never knew of any other marriage than that I have just stated, in the year 1796; but then I could not ascertain when that marriage had taken place, it might have been years back as far as I knew at that time; it was not till the investigation I knew that two marriages had taken place.

But you know that the eldest son was called Lord Dursley in 1798?—Yes.

He was then 14 years old?—Yes.

A marriage in 1796 could have no influence upon his title?—As far as I knew then they might have been married before that child was born.

You are understood to say that it was in May 1796 that Lady Berkeley told you she had carried her point?—In April 1796, I think it was.

Previously to that time you had observed her frequently in tears, and that her situation was very distressing?—Yes.

And therefore you had not imagined she was married before that time?—No, I had not.

You are apprehended to have fixed the date of the marriage with which you are acquainted, to be in 1796?—Yes.

Then in 1798 you could not have imagined that marriage had taken place prior to 1796?—Lady Berkeley insisted upon it, that the present young Lord should take the title of Dursley; it was much against his Lordship's inclination that he should do it.

Could you have believed that any marriage had take place prior to 1796?—Not at that time certainly.

But at that time you heard the present claimant called Lord Dursley?—Yes.

Did that suggest no idea to your mind of a prior marriage?—No it did not, from circumstances which had occurred.

How did you account for his being called Lord Dursley at that time?—Because Lady Berkeley insisted he should sign his name. He was going to write a note to the Marchioness of Salisbury; Lady Berkeley wished to know how he should sign his name; Lady Berkeley said in the usual way, Fitz-Berkelev. She said he should sign himself but she was

This was in London?—In Spring Gardens in 1798.

Are you sure it was not 1797?—I do not think it was, but I cannot fix dates.

At that time he was desired by his mother to sign the name of Dursley?—Yes.

Was any reason assigned for that?—They had been to the Theatre the night before and sat the next box to the Marchioness of Salisbury. Her Ladyship dropped a trinket from her watch; this young man saw it, and after they had left the box he got over and picked it up and brought it home, and was to send it back the next morning, in consequence of which he was to write a note, and that was the purport of the note.

Was any, and what reason, given for his taking at that time, for the first time, the title of Dursley?—His mother said it was necessary he should take the title of Dursley. I do not know any particular reason any more than that, that he was to sign his name to this note, and it was necessary, she thought he should take the title of Dursley.

Did you know the late Mr. Hupsman?—Yes; he used to visit at the Castle at the time I first went there.

Do you remember when he died?—I recollect his death, but not the date.

Can you recollect whether this transaction of the note being to be written, either in the name of Fitz Berkeley or Lord Dursley, happened previous to the death of Mr. Hupsman, or subsequent?—After; as far as that I can recollect.

Do you recollect any quarrel having taken place between Lady Berkeley and Mr. Chapeau?—Never, I do not recollect any particular quarrel between them; there might, but I am not certain of it.

Do you recollect any quarrel between Lord Berkeley and Mr. Chapeau?—Yes; they quarrelled sometimes.

Do you recollect any particular quarrel?—No; nothing further than what I have stated.

Did you know Capt. Cracraft?—Yes; he was my Lord's cousin.

Did you ever hear of any quarrel between Capt. Cracraft and Mr. Chapeau?—No; I never did.

You are positive of that?—Yes.

Were the ascendancy and controul in the family exer-

Can you state at what time Mr. Hupsman died?—I do not know whether it was 1797 or 1798; one of those dates I think.

Can you state at what time this letter was written to Lady Salisbury?—I believe it was in 1797 or 1798; but it was after Mr. Hupsman's death.

When you cannot state the date of Mr. Hupsman's death, nor the date of that note; how do you know whether Mr. Hupsman's death preceded that note?—From circumstances; because Mr. Clarke, the house-steward, was sent down by Lady Berkeley's orders to Hare-Hatch, where he had lived, to ascertain his death, and I said, "Why do you send the man so far to enquire after his death; what does it concern you?" She said, "If he should not be dead, or should come to life again, there would be dreadful work;" or, "sad things;" or words to that effect.

How does the recollection of this circumstance, being ignorant of the date of writing of the note, and the date of Mr. Hupsman's death, enable you to state that Mr. Hupsman died previous to the writing of the letter?—Because he was never called Dursley till that; till after he was dead; that makes the circumstance stronger in my recollection.

And there is no other circumstance but his being called Lord Dursley, and your recollecting that Lady Berkeley sent down this messenger, which enables you to say that Mr. Hupsman died before the writing that letter to Lady Salisbury?—Yes; I am certain of that.

Those are the only circumstances?—Yes; at present that I recollect.

Upon your oath, is any of the evidence you have given to-day, given with any malevolent feeling towards Lady Berkeley or any of the family?—No; all I have said is drawn from me; I wished not to appear here.

You were acquainted with Capt. Cracraft?—I knew him, as I did the rest of the gentlemen, coming to the Castle; but he was my Lord's cousin.

You never had any quarrel with Capt. Cracraft, nor any one of the family?—I had no quarrel; I had nothing to quarrel about.

DANIEL WILLEY, Esq. was again called in, and examined as follows:

The witness produced the book.

Is that the book to which you referred on your former examination?—Yes it is.

Have the goodness to refer to the entry, and read it to their Lordships;—Fifteenth of January sold Mr. Farren five cows, 25l. 4s.

What year?—1784.

Is there any other entry in that book relative to that transaction?

Several were produced.

There is no subsequent entry in the book on that subject?—No; there is not.

(*By a Lord.*) Are you sure the militia was out in May, 1785?—To the best of my recollection they were out in May, 1785.

Are you not able positively to state whether they were or were not?—I think they were part of the time, but not the whole.

Have you any memorandum upon that subject in this book?—No, I have not. I was chosen Coroner for the County in the beginning of 1784, and I never joined the regiment afterwards. This is a pocket-book of 1784.

Are you sure that the first time you went to remonstrate with Mrs. Farren about not receiving your money, was after the cessation of those payments?—I am not sure; it might be between the January and the March.

Was the money brought to you?—It was brought to me.

Are you positively sure that it was after the cessation of these weekly payments, that Lord Berkeley desired you to introduce him to Mary Cole?—O, yes, it was after, when I came into the Southgate-street with Lord Berkeley, that was the latter part of May, or about the middle of May, 1785.

Are you positively sure it was after that October when you received the last guinea?—O, yes, certainly.

The witness was informed he might return to Gloucester.

Proposed to adjourn this Committee to Wednesday next at ten of the clock.

Accordingly, adjourned to Wednesday next at ten of the

Mary Price being again called in was examined as follows :

You say that you travelled up to town in February 1797 with the children?—Yes.

Did you write any account to Lady Berkeley of the children?—Yes; always if she staid behind me: she has staid perhaps a week after me at the Castle, and I at Cranford, but that never happened above twice; we corresponded, and I always addressed her as Miss Tudor.

The Counsel were called in.

Then WILLIAM HILL was again called in; and producing a book, was examined as follows :

What is that book you have in your hand?—A common ledger, in which I entered my accounts generally once a week.

Is it the book you made use of in the year 1785?—It is.

Turn to that part which enables you to state at what period Farren lived as your neighbour in Southgate-street.

The witness turned to the entry.

How does it appear by that book, he was your neighbour at that time?—From an entry I made here which was never discharged, 18 June, 1785, that is the last account I have.

Is there not one of the 5th and 7th?—Yes; “5th and 7th of June 1785, Mr. Green and Mr. Farren, brandy and Hollands, 1s. 3d. Breakfast 1s. 4d.” that was for both. “Milk punch, 6d.”

Are you sure that Mr. Farren was then in Southgate-street?—Yes. “On the 18th of June, dinner 1s. cyder 10d. brandy 3d.”

At those dates he was your neighbour in Southgate-street?—Yes.

Cross-examined.

How comes this entry of 1785 to be under 1784?—Wherever there was a vacant place I entered them, and put them into the index; I did not put them in regular order.

At the top of the page it appears to be under 1784?—Yes.

William Hill and William Griffith being called on relative to the register of Farren's children, the Solicitor

That he had another witness of the name of Thompson to produce, whom he should have examined immediately, but unfortunately she did not arrive time enough to be sworn on a prior day. There was, besides, one other witness whose name their Lordships perhaps would dispense with the necessity of his mentioning now, whose testimony, as he was informed, was exceedingly material indeed, but who in fact, was not yet arrived. But if his evidence should be such as it was stated to him to be, he certainly was a witness of very great importance; and except the witnesses he had now mentioned he was not aware of any other evidence he had to offer in support of the case of the parties whom he represented.

Mr. Serjeant Best and Sir Samuel Romilly submitted to the Committee that they ought not to be called upon to proceed in their evidence in reply, till the Solicitor General had closed his case, and were heard to state their reasons.

The Counsel were again called in, and informed by the Lord Walsingham, that it was the opinion of the Committee that the Solicitor General have leave to reserve the examination of the witnesses he had mentioned for the present; and that the Counsel for the claimant should now proceed with their evidence in reply.

DANIEL MARKLOVE being called in, was asked by Sir Samuel Romilly—Had you seen Lord Berkeley, before the year 1796, in company with Lady Berkeley?—Oh, yes, many times.

Have you heard any thing said by Lord Berkeley in allusion to any marriage?—For many years I have had the honour of playing at cards with the late Lord Berkeley and the present Countess, during the winter season, and in the course of conversation my Lord observed, talking of something that happened prior to that time, “that was before you and I were married, Mary,” and calling her his wife. Lady Berkeley has made also the same observation, “before you and I were married, Peer;” this happened at different periods.

Did those observations strike you at the time they were made?—They struck me very forcibly; I went home and made an observation to my mother.

Why did they strike you?—She being called at that time Miss Tudor, and it not being known she was married to my Lord.

Have you mentioned it to other persons besides your mother?—I dare say I have, I am not quite sure that I have mentioned it to other people, but it is probable I might have done.

Do you remember the present claimant, the eldest son of Lord Berkeley, being ill at any time?—Very well.

How old might he be at that time?—I suppose two or three years old; he had a scarlet fever, and very bad sore throat. Lord Berkeley was under great apprehension he would not recover; he and I were sitting alone in the breakfast room. He said, “Marklove, I am afraid Fitz or the boy will die; if he does, I shall immediately quit the castle.”

Did you know Mr. Hupsman?—Very well.

In what situation was Mr. Hupsman in Lord Berkeley’s family?—He was his chaplain; domestic chaplain; he used to dine very often at my Lord’s table, and I have dined there with him.

Do you remember at what time he was his domestic chaplain?—I cannot speak to it, but during many years he was.

Was he for some years prior to 1796?—Oh, yes, many years.

Did you use to attend the church at Berkeley?—Latterly I have been very punctual and regular, but when I was about twenty years younger, I was not so constant.

Did you ever hear Mr. Hupsman perform the service there?—Many times.

Do you remember the manner in which banns used to be published there?—Mr. Hupsman at times would read very deliberate indeed, and with a very audible voice; at another time he would hurry it over; in short, I have left the church without knowing whose banns were published; and I have asked other persons, and they could not tell me.

Were the congregation always very attentive when banns were published?—I cannot speak to that.

The banns are published after the second lesson?—Yes; and then with the hurry and bustle of people getting up, I think it very natural to suppose many persons could not hear

As soon as the second lesson is over when no banns were published, the congregation rose?—Yes.

Did it often happen that there were no banns published at Berkeley?—Very often.

Do you recollect any particular expressions used by Lord Berkeley at the time of his child being so ill?—Yes; he said he should immediately quit the castle if the child did otherwise than well; that he could not bear the castle.

Do you recollect any other expressions?—No, I do not; we were alone in the breakfast room.

Do you recollect other persons who were in company with you when you were at cards, and the expressions were used which you have stated?—No, I do not. I used to be there two or three nights in the week playing at cards. Nobody used to be there more than myself. We used to have many joining in a rubber.

Do you remember whether these declarations were made in the presence of several persons?—I cannot state; it is so many years ago.

Are you perfectly certain as to the expressions?—Confident.

Cross-examined by Mr. Solicitor General.

When were you first asked any questions upon this subject upon which you have now been examined?—I have been asked this a great many years ago; twelve years ago, and more too, I suppose; when Lord Berkeley had an enquiry here.

In the year 1799?—Yes, I suppose it might be then; I gave my evidence at the Court of Chancery.

As far back as the year 1801 you related the same as you now related?—Nearly.

Did you relate the same again when the present enquiry began?—Yes, exactly, as nearly as I can recollect.

To whom did you relate it before the present enquiry began?—To Lord Berkeley's solicitor, Mr. Forster, I think.

You told Mr. Forster, before this enquiry began, the same you have told now?—To the best of my knowledge, the same.

When were you sworn?—I was sworn here in March.

At what time in March?—The beginning of March.

House?—I was amongst the first. I was sworn at the time Doctor Jenner and Doctor Parry were sworn.

And were you in the way then?—Yes; I was in the House, and staid here some time.

At the time Doctor Jenner and Doctor Parry were examined you were ready to be called?—Yes.

And they were fully apprized of the evidence you could give?—Mr. Forster was.

Have you been in town ever since?—No, I have not.

When were you sent for again?—I was not sent for now. I came up on my own business.

When?—I arrived last Sunday evening.

You were not desired to come up?—No, I was not particularly requested.

When were you applied to, to come here and be a witness?—It was the latter end of February.

The first time you were applied to, to be a witness, was the latter end of February; when were you last applied to?—This last time I came up as a volunteer; I came to town on business; and if I could render the family any service, I was ready to do it, by relating what I had to say.

Did you offer your services to Lady Berkeley?—I do not know that I offered, I told her Ladyship what I had to say, which I should be very ready to say before the House.


When did you say that?—I do not recollect whether it was Monday or Tuesday.

Last Monday or Tuesday?—Yes.

Before that you had no intimation you were to be called as a witness?—Mr. Bloxsome was in the country, and he took the deposition as I have stated now, and he told me probably I should be called upon again; I told him I was coming to town on my own business on Sunday, and should be ready if they wished it.

Have you seen Lady Berkeley since that time?—Yes, on Sunday evening.

Did you offer your services?—I told her as I was in town, I should be happy to say to the House what I could; what was just and right.

Had you any talk with her about it; any conversation on the subject?—Very little, any more than I said I was ready to say any thing I had to say, in the House of Lords.  Lady

How long before 1796 was it that this conversation at cards took place?—I suppose I have played at cards with the late Lord upwards of thirty years; and with the late Lord and the present Countess upwards of twenty.

When did this conversation respecting the marriage take place?—It was prior to 1796.

How long prior?—I do not confine myself to one, two, or three years; but many years at different times.

When was the first time?—I cannot say exactly, such a number of years ago.

State when any conversation about a marriage passed prior to 1796?—Some years, but I cannot state the very year.

Was it ten years before?—It might be four or five years before.

And the same conversation has passed repeatedly?—Yes, it has.

They were always talking about the marriage when they were playing at cards?—Not always, now and then.

Whenever they were playing at cards they were referring to this marriage?—No, that is not the case; I may have heard it once, twice, or thrice, during the winter, and then not again till the next winter.

And then the next winter again?—It would destroy the pleasure of a good rubber at whist; it came occasionally; we always played in good humour.

How many years do you suppose this conversation has taken place when you have been playing at whist?—I cannot say how many, but a good many years.

Do you think five or six times in five or six years?—Four or five years mentioned once, twice, or three times; but I cannot speak to the number of times.

Two or three times in every year?—At two or three periods that has been mentioned by Lord and Lady Berkeley.

Two or three times every year?—I do not say every year, but this observation has been made two or three times.

At Berkeley Castle?—Yes.

This created a general report of the marriage at Berkeley, I suppose?—I cannot say that it did, because Lady Berkeley was called Miss Tudor.

You made no secret of it of course, it having been men-

How came you to mention it to your mother?—Because she was the most confidential person I could state it to.

This was a confidential communication, then?—I did not consider it proper to go and mention what passed at the castle.

Was there any obligation of secrecy?—I should not think it was behaving like a gentleman.

Did you consider this as a secret imposed?—At that time it was a secret certainly.

Did Lord and Lady Berkeley tell it you as a secret?—No; but it was not then known that they were married.

Therefore they were telling it to you without enjoining secrecy upon you when they wanted it to be kept secret?—That observation, perhaps, did not apply exactly; they did not tell me they were married, only spoke to one another in the way I have stated.

They did not desire you to mind to keep secret what was said?—No, certainly not; but I did not think it would be becoming in me to utter every thing that was said at the castle.

But it was natural for you to repeat in conversation what was not communicated as a secret?—I did not like to make every body as wise as myself.

Who was the fourth person who was playing at cards with you?—I cannot say; we had different persons to make up a rubber.

Can you name any one person present at any one of those times, when during the several years that you were playing at cards, which you say was perhaps two or three times in a year in successive years, you remember distinctly that conversation has passed?—I do remember it.

Can you not name any one person who was present?—I cannot.

Were there several persons present?—I cannot speak to that; if there was not enough to make up a rubber, Lord Berkeley used to send for me or some one else; I was there oftener than any one.

Was there any other person present? I do not know the number of persons, but whether this was ever said in the presence of five, six, or seven persons?—I do not know how many it was, nor who was there. I

Was it ever said before as many as five?—I cannot say.

Four?—That I cannot speak to. As many as four it must be; for there must be four to make up a rubber.

Was it ever mentioned before any body except the four persons who were playing at whist?—I cannot say.

Will you swear it was or was not?—I will not swear either way, that it was or was not. We had enough to make up a rubber, and that was all I cared for.

When was the first time that you began going to church?—I cannot speak to that. I was born at Berkeley.

How soon did you take to going to church?—That I cannot say; I suppose when I was a good little boy.

The first twenty years you did not attend the church, you said?—Not regularly.

When was it you pretty regularly attended upon the church?—When I got a little older, I thought it was time to mend, and to go to church, and to pray for my sins and iniquities.

When did you take up this good resolution?—I cannot speak to the year. I have been pretty constant for some years.

Was it previous to 1796?—No, I think not.

Subsequent to 1796?—Yes.

How long subsequent to 1796?—I was in the habit of going to church, not at all times, perhaps one Sunday in two or three, or sometimes I missed a Sunday.

How often have you ever heard Mr. Hupsman perform the service?—A great number of times.

How often have you heard him proclaim the banns of marriage?—Many times.

How often?—I cannot say how often.

Can you name any one instance in which the banns were proclaimed by him, and you did not know who it was, but inquired of others?—Yes, I have done it. I cannot the name the particular person I have spoken to, but I have come out and asked some of the congregation, who were asked in church, and they could not inform me.

When was that?—I cannot tell; it was when Mr. Hupsman did the duty.

How many years ago?—I cannot tell.

Was it twenty years ago?—I cannot say; and I do not know exactly when Mr. Hupsman quitted Berkeley.

Was it twenty years ago that you heard banns of marriage

Was it fifteen years ago?—I cannot tell.

Was it ten years ago?—I cannot tell.

Was it thirty years ago?—I would tell you if I could, but I cannot tell you indeed when it was.

Have you no recollection of the period, nor whose banns they were?—I have not the least knowledge in the world; but I certainly was there, when I could not understand who was asked in church; and other people have been in the same situation.

And when that was the case, you made enquiries whose banns were published?—It is natural to ask in such a case.

Re-examined.

Did you, in your original examination, say that Lord Berkeley had told you he was married, or that he said, referring to a prior event, that was before he was married?—“That was before you and I were married, Mary.”

You do not mean to say he told you that he was married?—No, certainly not.

You saw Lady Berkeley last Sunday?—Yes.

You saw a person previously in the country on this business?—Yes, Mr. Blossome.

Did you know by whom he was employed?—I supposed by Lord Berkeley's Solicitor.

And you told him you were coming upon business, and should be ready to be examined?—I did.

Though you did not go to church for twenty years constantly, yet you used to go occasionally?—Yes.

And you very often heard Mr. Hupsman officiate?—Yes.

Examined by the Lords.

In what part of the church did you sit?—I think about twelve yards from the reading desk.

Had you one constant seat?—Yes.

Was it further than the wall?—It was twelve yards.

Have you stepped it?—Yes, to ascertain the distance before I came up here.

Were you resident at Berkeley in the year 1784?—Yes.

Do you remember going to church in the month of *Google* *suppose* *ear*

Do you think it was most probable you did not go to church?—Being so many years younger, I suppose I did not.

When you played at whist with Lord and Lady Berkeley, were they partners?—No, we cut for partners; sometimes they have been partners.

Can you recollect in any one instance who was your partner when you played with them?—I cannot.

You cannot recollect who in any one instance was your partner, when you played with them?—I cannot; it is such a number of years ago, that I cannot.

I did not mean to confine my question to those occasions when the conversation took place; but whether you can recollect who was your partner at any time when you played with Lord and Lady Berkeley?—I do not know who was there at the time.

You cannot name any one person who was ever your partner when you played at whist with Lord and Lady Berkeley?—Not when that observation passed.

At any other time?—Many persons have played at whist with us at the castle.

Name any of those who played with you before 1796?—I believe there is a gentleman in the house, Mr. Hicks of Berkeley, played there.

Before 1796?—I am not quite sure; I was in the habit of playing more at the castle than any one else.

Can you name any one person who played with you and Lady Berkeley previous to 1796?—I cannot name the occasion.

Upon any occasion previous to 1796?—Mr. Hicks has played there when I have been there.

Is that Mr. Hicks the clergyman?—No, Mr. Thomas Hicks; he lived at Berkeley.

Can you name any other person?—Mr. Pearce, an attorney at Berkeley.

Is he living?—Yes.

Can you name any other person?—Upon my word I cannot.

Is your mother alive?—No, she is not.

Can you name any other person except Mr. Hicks and Mr. Pearce —Not just now I cannot.

Are you married?—No, I am a batchelor.

to Lady Berkeley, that such and such a circumstance happened before their marriage?—Yes.

Did you ever refer to this either to Lord or Lady Berkeley?—No, I never mentioned it to them.

Did you ever mention to Lord Berkeley, “ My Lord, so I find you are married.”—No, I never presumed to do so.

Nor to my Lady?—No.

You were a good deal struck with this remark?—I felt so much, that I mentioned it to my mother when I went home.

When did you mention it to your mother?—Directly after it happened.

How long has your mother been dead?—Four years.

Cannot you state at all nearly the time when you mentioned it to your mother?—I cannot, it is so many years ago; it was a matter that did not concern me, and therefore I did not keep it in mind.

What did you mention to your mother?—The observation of Lord Berkeley, and what Lady Berkeley said.

Did you make any observation to your mother upon it?—Yes, I thought it strange, as she was then called Miss Tador.

What made you think it indiscreet to mention it to any other person than your mother?—Mere trivial things I never related out of the castle.

What made you think it would be indiscreet to mention to any other person this conversation which you mentioned to your mother?—I did not mention that in particular, but many more things of more trifling import.

You have stated to the House, that this circumstance passing between my Lord and Lady Berkeley appeared to you so singular, that you thought it interesting enough to tell your mother of that circumstance as soon as you went home?—Yes.

Having thought it sufficiently material to tell it to your mother, why did you deem it indiscreet to tell it to any other person?—I really thought it indiscreet to relate every thing that passed when we were at cards; every little tale that was told, that might run about the town.

Did you consider this as a little tale merely, a mere joke between Lord and Lady Berkeley?—I only thought it a strange circumstance.

No, certainly not; I did not know what they meant by it.

Then if you did not know what they meant by it, why should it appear so material that you should go and tell your mother, not being in the habit of telling little things that passed at the castle?—I might mention things to my mother that were not of much consequence.

Were you in the habit of telling your mother things which passed at the castle?—Yes, sometimes.

And not to any other person?—I believe not; but I am not quite sure.

Did you think that other persons to whom you told it, might view it in the same light, and it might go no further?—I cannot tell.

What age are you?—Nearly sixty, I believe.

Was your mother in the habit of visiting at the castle?—Not in the late Lord's time; in the time of the late Countess of Berkeley she was in the habit of going there; I think she was never there but at my Lord's birth-day; the late Lord's birth-day.

She was not in the habit of visiting the person who went by the name of Miss Tudor?—No; my mother was an aged woman.

This did not lead to any enquiry that might lead her to visit at the castle?—No.

Do you know Colonel Whatley?—Yes, very well.

Do you remember that you played at cards at Berkeley castle with him?—Yes.

And before 1796?—I believe so; I cannot swear it before 1796, but I think so.

Did Lord Berkeley seem to say this in jest or earnest?—He spoke in a cheerful manner.

Did you mention this circumstance to the Berkeley family, or any of their agents in the year 1799?—When my deposition was taken, when I came to town, I then related nearly as I have now.

In the year 1799?—Yes; I believe that was the time that we were in town.

You were examined then?—Not in the House, I was examined in Chancery.

That was at another time?—Yes, I was sworn and not examined at that time.

or any of their agents in the year 1799?—Yes, I think Mr. Forster; I am not quite sure of it.

Were you examined in 1801?—I know my evidence was taken in Chancery.

Do you know what was the circumstance which Lord Berkeley stated was prior to his marriage; do you know what the something alluded to was?—I cannot speak to that.

Did you know Mr. Hupsman?—Perfectly.

Did you ever correspond with him?—No; he and I had very little correspondence or communication. I knew nothing at all about him in that respect. In short, we had no correspondence.

You would not know his hand-writing?—No; I have not the least knowledge in the world of it.

Did you ever hear in playing at cards at Berkeley castle, any allusion made to the second marriage?—No, I do not recollect any till it was announced they were married.

How soon afterwards did you hear of it?—I understood it was some time afterwards.

Did you express surprise to any body?—No.

Do you know how it happened that you came to be questioned about it?—No; there was nothing particular, more than that I recollected this circumstance, and I stood forward to say it.

You mentioned it to somebody?—Yes; I mentioned it to Mr. Forster, or whoever took my examination.

After the commencement of the enquiry in 1799?—I do not know whether it was after or before.

What was the cause of your mentioning it to Mr. Forster?—My examination was taken when I came to town.

What brought you to town?—I came on my Lord's account.

Who desired you to come?—I do not recollect. I came up with a Mr. Croome of our parish, and a Dr. Parker, I think of Gloucester.

Who applied to you to come?—I suppose it was at Lord Berkeley's request.

Had you, before that, told any body you could give material evidence?—I had mentioned this circumstance, whether it is material I do not know.

To whom had you mentioned it?—I cannot recollect.

Had you any conversation with Lord Berkeley himself?

Was Mr. Hupsman one of the company before whom that expression was used?—No, he was not. He was not a whist player; it was not a pursuit he was fond of.

Were you at school any where in the year 1754 or 1785?—I am not sure; I was an apprentice; but whether at that time I cannot tell. I rather think I had left my apprenticeship. I must have been at Berkeley.

When you were asked about coming to town, the question applied to the year 1799: are you sure it was in that year?—I cannot be sure to the year.

You are not sure whether it was in 1799 or 1801?—It was when the enquiry was.

Do you remember whether there was any enquiry in the year 1799?—I would not swear to the year; but I know very well I was up at the time that some witnesses were examined here; but I was not examined. My oath was taken.

At which of those occasions was it you came to town with Mr. Parker?—When we went to the court of Chancery.

By whom were you desired to come to town in 1799?—I cannot tell, indeed. I cannot recollect precisely the year we came.

You were in town when the enquiry was going on in this House?—Yes; and also in Chancery.

To whom, previously to the enquiry in this House, did you mention the circumstance you have stated to-day?—I rather think Mr. Forster took my evidence.

Had not you communicated to somebody, before Mr. Forster examined you, what you had to say?—I dare say I communicated it at Berkeley to Lord Berkeley himself.

EDWARD BLOXSOME being called in, stated, that he was one of the Solicitors employed in the support of this claim by Lord Berkeley.—Being cross-examined, it appeared he was deputy clerk of the peace, and that Mr. Tudor was his principal, and had been generally employed in the management of the estates at Berkeley since 1806.—The registry of the banns of Lord Berkeley being shewn to him, he was asked if he really believed it to be Mr. Hupsman's hand writing? to which he replied, yes.—Then the registry of his Lordship's marriage being submitted to him, he believed the words Augustus Hupsman to have been written by him; but with respect to the rest of the entry, he believed

was a merchant; and that she had been acquainted with Lady Berkeley about twenty years, when she was introduced by Colonel West. She denied any intimacy between Mrs. Chapeau and Lady Berkeley, she was only treated with common civility by Lady Berkeley. Mr. Chapeau, she said, generally addressed Lady Berkeley as Miss Tudor, whom she never knew making use of any violent language towards Mrs. Price the governess. Mr. Chapeau she also affirmed was not in Lady Berkeley's confidence. The Lady Dowager Berkeley treated her every way kindly, and as a mother should treat her daughter. Mrs. Bell had painted several pictures, which she presented to the family in a friendly way; but denied being employed by them in the way of business.

Being examined by the Lords, and asked—

Did you ever hear Mrs. Price say on what account she left Lady Berkeley's family?—She quitted Lady Berkeley's service in consequence of ———.

Did you ever hear her say?—Yes; Mrs. Price called upon me the morning she left Lady Berkeley. She considered Lady Berkeley had not used her well; that they had had the Prince to dine with them on the Saturday; and she conceived she had had a slight put upon her. Mr. Carrington dined at the table, and she was not admitted; and I conceived she was hurt at it.

Did she assign that as the reason for quitting the service of Lady Berkeley?—Not entirely; she said Lady Berkeley had not used her well; but she seemed extremely hurt, and in a violent passion.

Did she assign any other reason?—No, I never heard any other reason.

Had you ever any correspondence with Lady Berkeley previous to the year 1796?—Yes.

By Letter?—Not very frequent.

How did you address your letters to Lady Berkeley?—My letters were always under cover to Lord Berkeley.

Was Mr. Chapeau in the habit of being a great deal at Lord Berkeley's?—Yes, he was a great deal there when I first knew him; that is to say, of a morning; he used to call in frequently of a morning.

Was Mr. Chapeau in the habit of dining there often?—No, not to dine there, not very frequently.

with Lord Berkeley?—No, Mr. Chapeau used to come over in an evening to shoot rabbits, but I do not know that he used to shoot with Lord Berkeley.

Do you recollect when Mr. Chapeau ceased to visit the Berkeley family; about what year?—No, I do not.

Did you ever see him there after the year 1799?—I think I must, but I cannot recollect the time of my last seeing him.

Do you conceive, from Lady Berkeley's conduct and behaviour to Mr. Chapeau, that Mr. Chapeau was in Lady Berkeley's confidence?—By no means.

In your confidential communications with Lady Berkeley, did you ever understand from her that she was married?—Yes, certainly.

At what time?—Upon my first knowing Lady Berkeley.

Can you state the circumstances that came out then, what Lady Berkeley stated?—No further than Lady Berkeley informed me she was privately married, but it was necessary for the present to keep it a secret. I could have known Lady Berkeley no other way than by supposing she was married.

Was your communication with Lady Berkeley always compatible with that declaration?—Yes.

Did Lady Berkeley tell you where she was married?—No.

Did she ever say this in Lord Berkeley's presence?—No, we were alone when Lady Berkeley told me this.

You stated this to have taken place in the year 1792?—In the year 1791.

You never heard Lady Berkeley speak of herself as a married woman in the presence of any person whatever?—I do not recollect that; but I remember Lady Berkeley speaking of her marriage repeatedly to me.

WILLIAM LANE having been sworn, was examined as follows:

What is your business?—A cabinet maker.

Where do you reside?—In Gloucester.

How long have you lived in Gloucester?—All my life; I was bred and born there.

cabinet-maker, and my fellow apprentice, and I have taken it up there. My father-in-law was a maltster, and supplied the house as well as Peach.

What was his name?—John Troughton.

Do you remember being in London in the latter end of the year 1784 or the beginning of 1785?—Perfectly well.

After relating that one Selby was indebted to him, and that he lived at Knightsbridge. He proceeded, I went to Knightsbridge, and brought Selby up to my brother's house in George-street near Portman-square. It was the 1st of April. Selby dined with me, and I advanced him 20*l.* more. Finding I should want money, and hearing of Mrs. Turnour being in good circumstances, and there being a debt due to my father-in-law from old Mr. Cole, I applied to her in hopes of getting my money, which was 14*l.* or 15*l.* There I saw going into the house Lord and Lady Berkeley. I stopped a little time, and Lord Berkeley came out. I then went and knocked at the door. I knowed Mrs. Turnour. I then asked if her mother was there; she said, "No; my mother is not; but I know, Mr. Lane, what you want." Lady Berkeley came up to the top of the stairs, and said, "Mr. Lane, do not distress my mother; we may have it in our power to make you amends, and we will do it."

Were you well acquainted with the person of Lord Berkeley before this time?—For years.

And with the person of Lady Berkeley?—I knew her very well from a child.

Are you quite sure you saw Lord and Lady Berkeley go to the house of Mrs. Turnour?—I am positively sure of it.

And that you afterwards saw Lord Berkeley come out of the house, leaving Lady Berkeley there?—Yes.

What was the day on which you met Selby at your brother's house?—The 1st of January.

How long was it after that you saw Lord and Lady Berkeley going to Mrs. Turnour's house?—That might be two or three weeks.

How long is it since you first mentioned this to any person; how long from the present time?—Mr. Griffith's clerk called upon me and desired me to inform him what I could on the business; that was the middle of May last.

Who is Mr. Griffith?—The gentleman who conducts this case on one side. When I came to the account of seeing

you to swear you were never concerned with Lady Berkeley, or if you were called upon your oath, would you deny it." "Mr. Smith," says I, "it appears to me there is something scandalous in this business, and you want somebody to scandalize Lady Berkeley. If Lady Berkeley wants scandalizing, why not apply to your own father, who lived next door to Cole, and knowed Lady Berkeley from a child; if he could have seen any thing ill of her, why not apply to him." My father," says he, "knows no harm of Lady Berkeley." "Neither do I, said I;" and there we parted; and he paid me one guinea for giving him the accounts I have been expressing.

Did this pass with Mr. Griffith's clerk before you made any communication of what you have been stating to anybody concerned for Lord Berkeley?—It happened before; and from this being known, Lady Berkeley applied to me, and sent for me up or Mr. Bloxsome; I believe that to be fact.

Did you disclose the evidence you have been now giving to the persons concerned against the present claim, before you made any communication of it to any persons concerned in supporting the claim?—Yes, I mentioned it to a person, that I had got a guinea for mentioning circumstances.

How long was it after this communication had taken place with Mr. Griffith's clerk, before any application was made to you on the part of those concerned for Lord Berkeley?—It might be a week, or ten days; it was about the middle of May I was with Mr. Griffith's clerk on the subject.

You are quite sure of the day you saw Lord and Lady Berkeley?—Within a few days.

It was in the month of January 1785?—It was.

The beginning or the end?—The beginning.

At what house was it?—Going into the house of her sister, Mrs. Turnour.

Where?—In Charles-street; I came down from where the horses are kept; I saw them coming across Berkeley-square, and go in there.

She was called Lady Berkeley then?—No, I looked upon her as Miss Cole.

You spoke to her?—I did, in the house of her sister.

Did you call her by her name?—I called her Miss Cole.

Lord and Lady Berkeley and Mrs. Turnour were in the same house?—Lord Berkeley came out, Mrs. Turnour

How long did you remain in London?—I might remain in London a week or a fortnight.

You did not remain the whole of the month of January?—I cannot positively say that I did.

Did you ever see Lord Berkeley after the time you saw him come out of the house?—I have a faint recollection I think when I was up here. Mr. Rudge had a mind to go and buy a carriage to set up a chaise, and I think in going along Long Acre I did see Lord and Lady Berkeley go into a coach-maker's, but I would not wish to have that put down as evidence upon oath.

When was that?—That would be about the same time, the middle of January.

What was the appearance of Lady Berkeley when you saw her in 1785?—Dressed in a sort of habit that day, she was dressed enough for a young girl in the situation she was in.

Was she dressed like a servant maid, or a young woman in a better situation?—She was dressed I think in a riding habit, I did not pay so much attention to her because I knew her very well.

Did you see Mrs. Turnour when you went into the house?—When I went into the house I went in on purpose to ask for my money.

You saw Mrs. Turnour?—Yes, I did.

Did you see any difference between Mrs. Turnour and Miss Cole as to their dress?—Mrs. Turnour I looked upon to be in good circumstances, which I knew her sister could not be.

Did you see Lady Berkeley in 1786?—No. In 1789, hearing of Lady Berkeley being married, I went to Berkeley to endeavour to see her Ladyship, to remind her of my money. I came to the steward, Mr. King; I mentioned the circumstance to him, and he said, "Do not you go to the castle on any account, for Lord Berkeley is there and will know you, and if you go there he will ask you what you want, and it may be displeasing to Lord Berkeley to mention the circumstance; leave the book with me, and I will endeavour to remind Lady Berkeley of the circumstance." And I believe I have a memorandum on the circumstance now in my pocket. (*The witness produced a book.*) This is a memorandum when I went to Berkeley. "1789 June 1st, went to Berkeley to King's grandfather, which was the steward then to Lord Berkeley; the grandson owed me a sum of money, the 16th 1789." I became a

I made: "1789 June 1st. Went to Berkeley to King's grandfather; he told me he knew not what his son made of his grandson's effects, therefore could do nothing with it." At that time I left my father-in-law's book with the steward to remind Lady Berkeley of the sum of money that was due; he desired me not to go to the castle as I might see Lord Berkeley; he might enquire what it was about, and it might make things disagreeable.

In 1786 you saw Mrs. Cole in a street somewhere near the park?—Yes.

Did you see Lady Berkeley with her then?—No.

Where were you during the whole of the year 1785?—In Gloucester.

Do you remember Lady Berkeley being there in that year?—I cannot say that I do.

Did you know Farren the butcher?—Yes.

And his wife?—Yes, which was a sister of Lady Berkeley's.

Did you visit them during the year 1785?—No, I did not.

Where did you hear they were married?—At the steward King's house; he was the steward to Lord Berkeley in 1789.

Did he mention, in 1789, that Lord and Lady Berkeley were married?—Yes.

And desired you not to go there?—He did not desire me not to go there; he said, "I would advise you not to go there; leave the book with me, and I will see Lady Berkeley, and remind her of her promise."

Did you hear from any body else besides King that Lord and Lady Berkeley were married?—Depend upon it I must have heard it in Gloucester, which made me go down to Berkeley; I should think that brought me down to Berkeley, hearing of the marriage.

You are sure it was in 1789?—I am positive from this memorandum.

It must have surprised you to hear that Lord Berkeley had married Miss Cole?—Certainly that must be a surprise.

Have you no recollection of the person who first told you so surprising a circumstance?—Without doubt it must be my mother-in-law, for she and lady Berkeley's mother were very well acquainted.

Do you mean by being married, being man and wife?—
To be sure I do.

In your communication with Mr. Smith, have you not said that a guinea was given to you?—Yes.

For what?—For producing the papers and memorandums I have.

Was the debt you have stated ever discharged?—No, it is not to this day.

Have you ever been promised to have this debt discharged?—I have not been promised a single farthing.

You have said, that the first communication you had respecting the marriage between the Lord and Lady Berkeley was from your mother-in-law, because of the intimacy between your mother-in-law and Mrs. Cole?—Yes.

Was Mrs. Cole acquainted with the circumstances of the marriage?—I should suppose she must, or else how should it be known.

Is Mrs. Cole alive or dead?—I believe she is alive.

On the 7th of June William Hill was examined relative to entries in his day book.

William Piff a butcher at Gloucester, apprentice to Mr. Herbert, in 1782 and 3, living in Westgate-street, remembered the militia being at Gloucester in 1783. He recollected seeing Lord Berkeley several times at Farren's house; walk backwards and forwards opposite to it, and speak to the present Lady Berkeley on different days. The mistress whom Piff lived with observed the same, but she was dead before this evidence was given.

In his cross examination, Mr. Serjeant Best requested permission to put this question. Have you seen Mr. Wibley lately? The answer was, yes I have, the day before I came here, he asked whether I was coming to town? and I told him I was; upon which he said, he hoped I should take care of myself, and so on, but nothing particular: he added that it was very right my coming, and he hoped I should succeed.

Being asked whom he had seen at Farren's in Southgate-street, he answered Mrs. Turnour and the present Lady Berkeley, who looked very ill at the time. Being asked if she appeared the same in 1785 as in 1783, when she was dressed as a butcher's daughter? he answered the butcher's daughters dress as well as others sometimes. I asked who

Do you recollect the manner in which Mr. Smith put the question to you about the year 1785?—Upon my word, he asked me whether I could recollect their firing in 1785 in the street; and I told him I believed it was; but I was not positively sure.

Do you recollect that you gave that sort of uncertain answer at first?—Yes.

And Mr. Smith never brought you to London?—No.

When did you remove from one shop to the other?—It was about 1784.

What circumstance happened in 1784 that obliged you to move?—My master failed.

That was Herbert?—Yes.

Who was the master you went to then?—Mr. Workman.

Did that happen in 1784?—Yes.

Are you certain you saw Lord Berkeley walking up and down before Farren's shop, before you moved from Herbert's to Workman?—Yes.

Do you remember being set to watch Lord Berkeley?—Yes, by my mistress.

When was that?—In 1783.

Who set you to watch?—Mrs. Herbert.

What for?—She and I were standing at the door, and seeing Lord Berkeley coming along, she did not like to go out and see who he spoke to; and told me to go and see who he spoke to.

That was the instance in which you were to watch to see who Lord Berkeley spoke to?—I have seen him myself many times.

Was that the instance in which you were set to watch?—I have been set several times to watch.

Were you several times set to watch?—Several times in the evening.

By whom?—Mrs. Herbert.

Every time to watch Lord Berkeley?—Not every time; but I have been set when I have been at the door.

Have you been set by your mistress several times to watch Lord Berkeley?—When Mrs. Herbert stood at the door

Was Mrs. Farren at the door?—Not at the door.

At Farren's door?—She was in the shop.

Was Mrs. Turnour or Mrs. Farren at the door when you were set to watch?—They might be sometimes, but not every time.

Did you see Lord Berkeley speak to them?—Never any one but she.

How often?—I cannot tell exactly.

This was all in that same month of March?—I cannot answer to a week.

Was every time that you were set to watch in that same month of March?—I believe it was.

Did he always come alone?—I never saw any body with him.

With Lord Berkeley?—No.

It was always in Farren's shop?—Not in Farren's shop that Lord Berkeley stood; it was outside he stood.

How long did he stop?—Not above a minute or two at a time.

Did you hear any thing that passed, you being watchman?—No; I never went near enough.

How far were you from them?—A little distance, a door or two, or a few doors off.

Did you ever watch Lord Berkeley on any other occasion?—No never.

Never but in that year?—No.

Did you ever watch any body else?—No.

Did Mrs. Herbert ever direct you to watch any body else?—No.

Was there any other occasion on which you were directed to watch Lord Berkeley?—It was not a usual thing we thought for gentlemen to come backwards and forwards in that way.

You do not recollect any of the other officers coming there?—No.

Did you see the other officers coming to the silversmith's shop?—Yes; I believed they lodged there; I have seen them at the window.

Did you ever watch them?—I have seen them at the window.

What persons?—The other officers.

Did you ever watch them?—No.

bone, was then called in, and produced the register-book of marriages for that parish.

THOMAS STOCK, a butcher at Gloucester, just opposite the College Court going into the Church-yard, being examined, deposed, that he kept a shop in Westgate-street many years, being seventy years old; and that he was living there in 1783, and a long while before then. To the question, Do you remember in 1783, seeing Lord Berkeley there?—He answered, I cannot tell exactly; my memory will not let me say what year it was in; but at the time the militia was there I saw Lord Berkeley more than once or twice, or ten times, come opposite to me, the same as these gentlemen are—march off when he dismissed the soldiers; I just looked at him a bit; he seemed to smile. I took no more notice than to see whereabouts he went, and so I took notice that he went into Mr. Farren's; "and who happened to be there?"—I saw Polly Cole at the door—"and why did you go up to see whether it was Lord Berkeley and Polly Cole?"—because I thought whether it was or not, I thought it was like two lovers ready to see one another; and that was what I looked after.

Have you from that time lived constantly at Gloucester?—In the same place ever since, in the same shop.

Have you been repeating over your evidence to any body?—No; I never spoke to any one but Piff.

Did not you tell them what you had to say before you came here?—No.

Not the evidence you were to give at the bar?—No.

Did not you tell what you had to say to any body who asked you about it?—No.

Are you sure of that?—Yes.

They have examined you here without knowing what you were to say?—They never examined me at Gloucester, nor no where else.

Did any body, before you come to the bar here, ask you questions of what you were to say here, and you relate what you have related here to-day?—No; no man asked me any thing about it that I know of.

You swear that you have never told to any body before you told it at the bar here to-day what you have related to their Lordships?—Not that they came to me, and that I

Except to the witness Piff, you never told it to any body?---No.

Did you tell it to no solicitor, no clerk of any solicitor, and nobody besides Mr. Piff?---I do not recollect that I did.

Will you swear that?--- I am upon my oath.

Recollect distinctly whether you mean to say you never told this to any body but the last witness Piff, before you related it here?---I never did.

The witness was directed to withdraw.

The Counsel were directed to withdraw.

The Counsel were again called in, and informed, that no witness who had been examined, or is to be examined in this cause, be suffered to remain in the House during the examination of any other witness, except the agents on each side, or by order and leave of the House.

The witness was again called in, and the following question and answer was read over to the witness:

“ You swear you never have told to any body before you told it at the Bar here to-day, what you have related to their Lordships?---“ Not that they came to me, and that I related it to them. Mr. Cheston once came to me and asked me.”

Conclude what you were saying respecting Mr. Cheston's coming to you and asking you?---I do not recollect that I said any thing about Mr. Cheston.

The following answer was read to witness:

“ Not that they came to me, and that I related to them. “ Mr. Cheston once came to me and asked me.”---I do not remember what I said to Mr. Cheston; I do not remember what he asked me of.

Do you remember Mr. Cheston coming to you?---Yes; he came one night, and went away again directly.

Do you remember Mr. Cheston coming to you?---I do, some time ago; but I never thought any more about it.

Did any thing pass between you and Mr. Cheston on the subject that you have been examined to-day?---I do not recollect any thing of the sort. Mr. Cheston came into our house I recollect some time ago.

stating in the House to-day?---I cannot recollect that I told him any such words ; whatever I said, I do not recollect.

How long is it since you saw Mr. Cheston?---I saw him just this minute here ; but that was a good while before.

How long is it since Mr. Cheston came to your house, as you have stated!---I cannot tell.

Did not you once have a conversation with Mr. Cheston?---I said Mr. Cheston once came into our house.

Who is Mr. Cheston?---A magistrate of Gloucester ; a gentleman who lives on the College Green.

Is Mr. Cheston in the habit of visiting you?---No ; not very much ; a very good neighbour ; a man that will speak to one very kindly.

Is Mr. Cheston in the habit of speaking to you?---He will come in, and talk to one as he goes by---Well, how do you do ; or something of that sort.

What time of day did he call upon you?---I do not know whether it was not after it was dark.

How long did he remain with you?---Oh, not long.

What do you mean by not long?---You would call it long if it was an hour or two.

Was it half an hour?---It might, or might not ; I cannot recollect exactly.

Do you recollect what was the conversation that passed between you?---No, I do not.

Did he talk to you about meat?---He might ; we are in the habit of killing very fat mutton, and he is very fond of a good haunch ; and he asks me sometimes, as he passes, Well, have you got some of that good mutton?

Was the conversation between you all about mutton?---Not all about mutton ; sometimes he asked me whether I had got good veal for to-morrow? he is a very gentlemanly man.

Do you mean to say you did not mention Lady Berkeley's name to him?---That I will not be positive whether I mentioned her name or not.

Are you positive he never mentioned Lady Berkeley's name to you?---That I will not be positive ; I did not charge my mind with it.

You recollect perfectly well what happened in the year 1783?—If it was not looking after sweethearting, I should not have thought of it; the people persuaded me it was not Lord Berkeley; and I thought I would see whether it was or not.

You have said, you had some conversation with Mr. Piff on the subject of your having seen Mary Cole and Lord Berkeley in Westgate street?—Yes; just as we came, as we had our summons to come up.

Was it at Gloucester the conversation took place?—Yes; just as we had our summons. “Be’nt you summoned,” says he, “to come up?” “No,” says I, “nor I wont go unless I am forced to go.”

This conversation with Mr. Piff was before you were summoned?—Yes, the day before; he was coming up that day; he had a summons, and every thing ready to go.

You had not a summons?—No; nor I would not come without it.

Did you mention to Mr. Piff, your having seen Lord Berkeley and Mary Cole at that time?—Yes; and he said he had.

Had you much conversation with Mr. Piff?—Very little; I do not know that there were two words dropped beyond what I have said.

Did you tell Mr. Piff the year in which you had seen them?—No; I told him I did not recollect it.

Did Mr. Piff recollect it?—Yes; he seemed to say he did.

And he told you the year?—He said he thought it was in 1785 or 1785, or somewhere thereabout. I said it may be somewhere after that; it might, or not; I was not certain; he seemed to know more about it than I. I could not recollect the year it was, and so I said no more to him, because I could not recollect the year it was myself.

Had any body applied to you to come to London before you spoke to Piff?—There was a man that gave me this note about coming, and said, “I shall send you that note to go to London.” “What about,” says I; “I don’t recollect any thing about it.” “In such a year,” says he. “Don’t tell me the year,” says I, “for I know nothing about it,” and said to him, “I shall beg to be excused, for I don’t know what year it was in;” I could not give an answer to it.

with Piff?—He might the same day; I believe it was; I cannot recollect the day.

Can you repeat distinctly what Piff said about the year?—No, I cannot.

What is the impression upon your mind?—It was so trifling I cannot recollect; but it was as I walked by him, we walked on.

The following question and answer were read over to the witness:

“ And he told the year?”—“ He said he thought it was “ in 1783 or 1785, or somewhere thereabout. I said it may “ be somewhere after that, it might or not, I was not “ certain; he seemed to know more about it than I. I “ could not recollect the year it was, and so I said no more “ to him, because I could not recollect the year it was my- “ self.”

Is that all that passed?—Yes.

Are you sure he said 1783 or 1785, or somewhere thereabout?—But I did not take so much notice, for I was in hopes I should not come.

You state that you are seventy years of age, and your recollection is imperfect?—Yes.

Are you in the habit of drinking any thing strong in the morning?—No, not any thing strong before dinner; nor I would not do it for a guinea or more. I always keep to that.

You are quite certain that at the time you saw Lord Berkeley go into the shop in Westgate-street, the militia were at Gloucester?—Yes.

You have stated that your memory is, in some degree, imperfect; that you do not recollect things so well now as you did formerly?—I do not recollect so well as I used.

Things which passed twenty or thirty years ago you can remember, perhaps, better than things which passed lately?—No, I do not; if you ask me any thing about things in trade, I could not tell you.

You told Mr. Piff that you could not recollect what year it was you saw Lord Berkeley with Mary Cole; whether it was in 1783 or 1785?—Yes.

What makes you now so positive it was in 1785?—No, I have not said so at all; I cannot say.

The Witness was directed to withdraw.

the purpose of proving what did not pass, rather than what did pass on the only occasion on which he saw the last witness.

Mr. Solicitor General objected to the witness being called in for such purpose.

JAMES ROBERTS, a Serjeant in the North Gloucester Militia, being examined, deposed, that he was in the employ of old Mrs. Farren from 1781 to 1785, and remembered the Gloucester Militia marching into Gloucester before they were dismissed after the American war; that he saw Lord Berkeley during that period near the house in which Mary Cole was living, walking up and down repeatedly, and looking into Farren's shop at those times when Miss Cole was there. He once saw Lord Berkeley speaking to her, but he did not converse longer than a minute.

Being asked if he remembered one of the family of the name of William? he answered, Yes.

What relation was that William to Mr. Farren with whom he lived?—A brother-in-law.

Do you mean a brother of the wife of Mr. Farren?—Yes.

By what name have you heard him called in the family?—I have heard him called William Cole, and I have heard him called William Tudor Cole.

Are you sure you have heard him called by the name of William Tudor Cole?—Yes, I am quite certain; I heard him express his name himself.

Have you heard him called by the name of William Cole Tudor more than once?—William Tudor Cole never more than once by his sister and once by himself.

On what occasion did he call himself by the name of Tudor?—He and I were going down to fetch some sheep out of the meadows; he took a gun with him and fired, and killed a snipe; and when I came up he took the snipe by the beak, and "Here," says he, "see what Billy Tudor can do."

Is that the only time you recollect him to have called himself by the name of Tudor?—Yes, that is the only time.

Do you recollect the particular occasion on which the sister called him by the name of Tudor?—I used to be in the habit of calling him "Bill and Kate" and Mrs. Farren

so; and she said, "His name is not Bill or Billy, but William Tudor Cole."

It was from the familiarity with which you spoke to him?
—Yes.

And she checked it by saying his name was William Tudor Cole?—Yes, she did.

Cross-examined.

What age was William Tudor Cole at the time this happened?—I cannot ascertain his age, he might be as much as fifteen or sixteen years of age.

How long had you known him before that?—Ever since the year 1780.

Ever since 1780 you had known him?—Yes.

What year was it when you heard his sister speak of him in the way you have described?—About the year 1794 or 1795, I cannot ascertain with certainty the year.

Recollect yourself again, and tell me in what year it was you remember his sister chiding you for calling him Billy?—That was in the year 1793, or the beginning of 1794.

Are you sure of that?—Yes.

What makes you recollect?—Because the South Gloucester Militia came home in that year and was disembodied; I am almost positive it was in that year.

Do you mean that it was in 1783 or 1784?—Yes, 1783 or 1784.

Had you been often in his company from the time you first knew him in 1780 in the intermediate period, and the year 1783 or 1784?—Not till after his father's death; then he came to reside with his sister and Mr. Farren; I had no great intimacy with him before that.

Did you know him before that?—Yes.

What name did he go by before that?—I never heard him called Tudor except by himself and his sister.

What name did he go by?—William Cole, on all other occasions that I heard him called by any name.

Did you hear his family address him by the name of Cole at all other times?—Yes, except by his own confession and his sister's, I never knew of his going by the name of Tudor.

Have you heard his brother-in-law speak to him?—Yes, but never by the name of Tudor.

What did he call him?—William or Bill.

And when he had occasion to use his surname, what did

You remember William Cole the father?—Yes, I remember him very well.

Was it before or after his death that Lord Berkeley spoke to Mary Cole?—It was after his death.

How long?—About a year and a half.

To the best of your judgment, it was a year and a half after his death?—Yes.

Did you see Susan Cole go to London?—I did not see her go off.

Then you had no means of knowing when she went, but from missing her?—That is all.

Did you see Mary Cole go off?—No; I saw her when she came back.

You have no means of knowing where she came from;—No.

Do you know how long she had been absent at the time she came back?—No.

You lived with Farren from 1781 to 1785?—Yes.

Do you remember his being in distress?—I remember his having the last joint of meat in the shop before he went to London; that was in Southgate-street.

Do you remember his being distressed in his circumstances while you lived there?—Yes.

Do you remember his being in confinement?—Yes, he was once in confinement.

In what year was that?—I cannot say what year it was in.

Was it the beginning or the latter end of the time you lived with him?—I cannot say.

Was it before or after the death of Cole?—After the death of Cole.

Was it before or after the time you saw Lord Berkeley speak to Mary Cole?—I cannot positively say.

Do you remember a person of the name of Strain living with Farren?—Very well.

Did you use to drive cattle for Farren with him?—Yes, Strain used to work for Farren after the time the American war was over.

Do you remember any cattle purchased of a Mr. Willey?—I do not recollect it, but I heard him talk of his buying four or five little beasts of him.

Have you any recollection of the time that purchase was

THOMAS BELL, having been sworn, was examined as follows:

What is your line of life?—I am a merchant of the City of London; my warehouse and business is in Saint Swithin's-lane in the ward of Walbrook, of which I am one of the members of the Common Council. My residence in London, Dean-street, Soho; and my country house at Cranford, where I have a small estate bordering on Lord Berkeley's park.

How many years have you been a merchant in the City of London?—Thirty at least.

Were you acquainted with the late Lord Berkeley?—I had the honour of being very well acquainted with the late Lord Berkeley.

Do you also know the present Countess of Berkeley?—I do.

By whom were you introduced to Lord and Lady Berkeley?—About the year 1791, my particular friend, Colonel West, who was the cousin-german of Mrs. Bell, brought Lady Berkeley to see Mrs. Bell's paintings. I knew nothing of that circumstance for two or three times of her being at my house in Leicester-fields, until she had begun to paint the portrait of Lady Berkeley; then I saw Lady Berkeley at my house.

Is it to be understood that you were introduced to Lady Berkeley by Colonel West?—Certainly, he brought her to my house.

And to Lord Berkeley also?—Yes.

In what character was Lady Berkeley introduced to you?—

Lady Berkeley was introduced to me as a lady living with Lord Berkeley, but not bearing his Lordship's name; at the same time——

Mr. Solicitor General objected to the evidence,

The Witness was desired to withdraw.

Mr. Moore was heard in answer.

The Witness was again called in and asked,

Was Lord Berkeley present the first time when you were

that Colonel West was in the house when I first saw Lady Berkeley; I do not know that fact at present; he might or might not.

Do you know whether Lord Berkeley was in the house at the first time you saw Lady Berkeley?—I really do not know that. I would beg to state that when I understood that Lady Berkeley had sat for her picture to Mrs. Bell, I was then anxious to see the lady, and staid at home, for my business being constantly in the city, I was early out from home, and late returning. I staid at home that day on purpose to see the lady, and I dare say there was nobody present but Mrs. Bell and the lady.

Do you know whether Lord Berkeley was present when you first saw Lady Berkeley with Colonel West?—I really do not know that particular fact. I cannot possibly state that.

Did you frequently visit the late Lord Berkeley at Cranford?—I certainly have been at Cranford repeatedly, and very soon after Mrs. Bell had painted Lady Berkeley's picture, and perhaps even while it was not yet finished, Lord Berkeley asked me to go down to Cranford once to see him and spend a day, and I did so.

Did Mrs. Bell visit at Cranford also?—Mrs. Bell went down then to Cranford for the first time I believe, at Lord Berkeley's request, and the lady's of course.

Was Mrs. Bell ever employed in cleaning any paintings for Lord Berkeley at Cranford?—Mrs. Bell never was so employed in cleaning any pictures for Lord Berkeley at Cranford.

Was Mrs. Bell ever employed in framing any pictures at Cranford?—Nor ever employed in framing any pictures there, or any where else.

Though not employed, did she in fact ever clean any pictures?—Never, I know it well.

Do you recollect any of King Charles's Beauties from Hampton Court at Cranford?—There are no such pictures at Cranford. I know all the pictures extremely well.

Were there ever such pictures when you visited at Cranford?—There were never such pictures as those at Cranford, representations of the Beauties at Hampton Court. I wish

Was Mrs. Bell ever employed in cleaning or framing those four pictures in the style of Lely, which might be mistaken for the Hampton Court Beauties?—Never.

Do you recollect the expedition to the Helder?—I have a general recollection of it; I do not know the exact time.

Do you recollect the circumstance of the expedition to the Helder?—Undoubtedly.

Were you at that time in possession of a large number of saddles?—I never was in possession of any number of saddles at that time or at any time; I never dealt in the article, nor ever had the article in my possession.

In the year 1794 you had a child christened; if you have any memorandum you may refer to it.—It is a mere pencil memorandum which I have.

When did you take it?—A few days ago; she was registered in Saint Ann's parish.

Was the memorandum taken from that parish register?—Yes; the parish register does not contain the birth of my child, but the registration of its christening.

Is the date on that card taken from the register?—Yes, I went to take it, thinking I should be asked the question.

What is the date of that christening?—The 2d of June 1794.

What is the name of the child?—It was christened Catherine Maria; Catherine after her mother, and Maria after Lady Berkeley.

Who was the godfather on that occasion?—My Lord Berkeley.

Who were the Godmothers?—Lady Berkeley; and Mrs. Hamilton, the wife of my brother-in-law, I believe was the other.

Do you recollect by what name Lady Berkeley stood as Godmother?—When Lady Berkeley came to my house, whether she came with Lord Berkeley or alone, she was always announced by my servants and received as Lady Berkeley, and in that name she must have come upon this occasion.

Did she on all occasions, when she came to your house, come announced by the name of Lady Berkeley?—Certainly that I believe, and those were very frequent visits indeed, of an evening particularly, either alone or with Lord Berkeley.

at Lord Berkeley's a gentleman of the name of Chapeau?—
Very frequently.

By what name did you always call Lady Berkeley when you addressed yourself to Lady Berkeley?—I have never addressed Lady Berkeley to herself, or in the presence of any person that I know of, by her name as Lady Berkeley, but Ma'am, Madam, or in that common way. I never called her by the name of Tudor; if I had occasion to speak of her, I might perhaps speak so to distinguish her. I might name her as Miss Tudor, having that name from my Lord.

Did you ever see Mrs. Chapeau, the wife of Mr. Chapeau, at Lord Berkeley's when Lady Berkeley was at Cranford?—I saw Mrs. Chapeau in Cranford House once; I do not recollect more than once.

Was Lady Berkeley at Cranford House at the time you saw her there?—Lady Berkeley was there, and Mrs. Bell was there, and Mrs. Chapeau; which recollection I have clear in my mind, from the singular circumstance, which would not have struck me particularly otherwise, of her being very hard of hearing, very deaf. I speak of Mrs. Chapeau.

Was Mrs. Chapeau there on that occasion as on a visit, or merely to see the house?—Certainly she did not call to see the house; she was calling there complimentarily I took it for.

The witness was directed to withdraw.

The witness was again called in, and cross-examined as follows:

You commenced your acquaintance in the year 1791 with Lady Berkeley?—I did; it was in 1790 or 1791; I think 1791.

From that time you frequently visited in the family?—
Very frequently.

When Mrs. Bell staid in the family at Cranford, were you always with her, or was she sometimes there when you were not with her?—I was not always with her.

Mrs. Bell was there on a visit when you were not with her?—Sometimes.

Did she use to go and stay there for a week together, longer?—Certainly.

her, certainly, if I went with her ; but she might go without my accompanying her in the first instance.

Was that the case frequently, that she continued her visit at Cranford without your presence ?—Certainly, and very long indeed. She painted a great deal down there ; she painted the present Lord Berkeley ; she painted Frederick and Augustus in the same picture, full length ; she painted, besides that, some Chiaroscuro for Lord Berkeley's study, as well as several other pictures, being very fond of the art.

How long would these works occupy Mrs. Bell, several months ?—Certainly for several months during the years I have spoken of.

During which you were following your own business ?—Yes.

And Mrs. Bell, resident altogether at Cranford, occupied in the way you have described ?—Certainly.

You do not know precisely what was the nature of Mrs. Bell's employ during the time she was living at Cranford in your absence ?—I presume she was doing that which I tell you.

You have no personal knowledge how she was employed at Cranford when she was not with you ?—No ; but it is easy for any man to judge, from the progress of a work when I came back again, how she has been employed.

Then whether Mrs. Bell was employed, it is not meant employed for the purpose of pay, but whether she might occasionally, as an act of kindness or good-nature to the family, assist in touching up or cleaning any of the pictures that were at Cranford during the time you were absent you cannot of course tell ?—But I could perfectly easily see that the pictures were in the same state that I left them ; that they had not been cleaned in my absence ; and that I knew they were not, for Mrs. Bell recommended a man to go down to clean the pictures, at the instance of Lady Berkeley.

What pictures did Mrs. Bell recommend a person to clean ?—I do not know. I take for granted this man went over all the pictures at Cranford House. There were also a great many pictures sent to a man, whose name I forget, in Duke Street, Westminster, to be cleaned.

Do you yourself know whether those four pictures in im-

Refreshed and cleaned :—I expect so ; the man would not have done his business if he had not done so.

They are pictures of female beauties :—They are pictures of four females, something in the style with flowing draperies, which I have mentioned before.

The christening was in the year 1794 :—Yes, it was.

Who was the clergyman who officiated at that christening ? —Mr. Carrington, with the consent of the regular clergyman of the parish ; and the parish clerk stepped to take the register, and the clergyman's guinea, and his own crown.

Did Lord Berkeley personally attend the christening :—Certainly.

Who was present at the time :—I do not know any other person than those I have named. Lord and Lady Berkeley, Mrs. Hamilton my brother-in-law's wife, now Mrs. Denham. I have lost my brother-in-law since.

Nobody else :—Nobody else but Mr. Carrington.

At the time of that christening, do you mean to state that Lady Berkeley was announced and was at the time spoken of as the godmother, by the name of Lady Berkeley :—That I do not know, whether I named her Lady Berkeley or not ; I only know that she never came to my house under any other name than that of Lady Berkeley.

At the time of the christening, what publicly passed at the time of the christening, did she go by the name of Lady Berkeley, or by her usual name of Miss Tudor :—I dare say she was not named either Lady Berkeley or Miss Tudor : I do not suppose she was called by either name.

It must be mentioned who was the godmother :—Very likely, as Mr. Carrington was the clergyman, and knew her very well, she was not named.

Then she was not named at all :—I do not know that she was named at all.

During the time that you visited in the house of Lord Berkeley, frequently during these, did Lady Berkeley, prior to the year 1793, usually go by the name of Lady Berkeley, or by the name of Miss Tudor :—By the name of Miss Tudor certainly, before 1793.

You have represented that no part of the merchandize in

And other leather articles?—Certainly, I may occasionally; but the fact is, the article of shoes is the greatest concern perhaps that ever I was engaged in, and so great, that I furnished to the government, though I have not the honour of being known to any of the government, for the whole army of Spain 450,000 pair of shoes in the course of a few months, and I am now delivering at the rate of 50,000 pair a month, at a saving to government of one shilling a pair under the regulation price.

That extensive employment you describe is of late date, is it not within the last five, six, or ten years?—The first time I had the honour of being employed by government was being sent for to speak to Mr. Harrison of the Treasury, who having examined me upon the subject —

When was that?—About two years ago, about the breaking out of the war on the Peninsula; but I have always been the greatest dealer in the article by supplying the contractors.

Was there any other article than shoes?—I have sold other articles of that kind; I have sold osnaburgs and sail cloths; in fact I was a general merchant before I fell into a great demand for these articles; and more than that, I am a free merchant of the Levant Company, and have a house at Malta, where my sons are established; but this takes up my time at this moment.

When were you married to Mrs. Bell, about how long ago?—Thirty years ago; I have had ten children.

Was Mrs. Bell the sister of Mr. Hamilton the painter?—Yes.

Was she herself employed as a painter at the time you married her?—No, she was not employed then as a painter; but being extremely fond of the arts, and if I might take the liberty before this assembly to state, I think with great talents, I wished to encourage it.

Before you were married, did this lady paint at that time pictures that were sold?—O no, not sold; she painted with her brother Mr. Hamilton.

He sold pictures of course?—Yes, certainly.

Re-examined.

Are you sure whatever other leathern articles you might have dealt in, you never did deal in the article of saddles?—I never dealt in the article of saddles, nor had any such articles on my premises.

saddles?—Certainly not; I do not think he knows where my house of business is.

Did you ever shew Mr. Chapeau any saddles you had which were to be sent to the Helder?—Never.

Examined by the Lords.

Had you ever any conversation with Mr. Chapeau with respect to any article whatever you were to furnish to any of the contractors to Government at the time of the expedition to the Helder?—I think never; I have not any such recollection; certainly never.

Do you make any entry in a Family Bible, or in any other way, of the birth and baptism of your children?—I really do not; Mrs. Bell has got all that account.

Were not you in the habit of dining very often in company at Lord Berkeley's with Mr. Chapeau?—I do not think of dining very often with Mr. Chapeau, but of seeing him very often there certainly, coming in occasionally after dinner, or in the evening.

Can you call to your recollection whether, on such an occasion as that, you might have talked respecting your contracts with Government to Lord Berkeley?—I do not think I ever did; I did not like to tell my Lord Berkeley the business that I followed, because I did not like to lead to any thing which might ask for a favour of him respecting his own regiment; I never asked him a favour, and would not lead to my business.

You say you met Mrs. Chapeau once at Cranford House?—I did.

Was Mrs. Chapeau upon a visit in the house at Cranford?—I conceive she was upon a visit in the house; she was in the house certainly, and as much upon a visit as I was, speaking to Lady Berkeley in the common way.

Was it only on one occasion you met her there?—I do not think it was ever more than upon one occasion.

Was Mrs. Bell present?—I think she was; the ladies had been walking; I think they came in walking from the gardens; I saw her in the parlour speaking to Lady Berkeley and to my wife; I did not think it of any great consequence, but being deaf it struck my mind.

Can you recollect having seen Mrs. Chapeau in the house?—I certainly do.

Berkeley as a person in his confidence?—Certainly not; if he had treated me with the same degree of want of ceremony, I would not have visited him.

Do you mean that Lord Berkeley took liberties with Mr. Chapeau, which you would not have suffered?—Certainly; for instance, I have seen Mr. Chapeau come into the room after dinner, Lord Berkeley would say, “ Here comes Mr. Scrapeau,” for instance, or some nickname of that kind.

Were not these familiarities of a nature which indicated to you great intimacy between Lord Berkeley and Mr. Chapeau?—Quite the contrary; there are a number of persons suffered to come into the houses of great Lords, who are treated with familiarity, but not with intimacy and confidence.

Can you state any other instances of Lord Berkeley’s taking liberties with Mr. Chapeau?—I think the general tenor of his conduct to Mr. Chapeau was not that which would lead me to suppose that he was in his confidence.

Did you ever see Mr. Chapeau express any resentment at these liberties?—Oh, no.

Would you generally conclude that nicknames, and that kind of familiarity, was a proof that the persons who so treated one another were not in a state of confidence?—If they were in a state of equality; but not in a situation where they were in a state of such inequality as Mr. Chapeau and myself were from Lord Berkeley.

Were you living in the house at the time you saw Mrs. Chapeau there?—I might have been upon a visit there; I might be living there certainly; for when I went to Cranford House before I purchased my own estate there, just bordering upon it, I slept there.

You slept there at this time?—I dare say I did.

Did Mr. and Mrs. Chapeau sleep there at that time?—No, I dare say they did not; they had a little house at Harlington.

Did you ever deal in retail?—No, never, in no article.

Do you know, or have you any reason to believe, that Mr. Chapeau was in the confidence of Lady Berkeley?—That I do not pretend to know, otherwise than I have stated from appearances: I should think not certainly. On the contrary.

name of Tudor without reluctance from Mr. Chapeau ; I cannot therefore conceive she would treat any man with her confidence who called her by a name which she disliked.

You have said, that in addressing Lady Berkeley you never recollect having used the name of Lady Berkeley to her ; did you use the title Your Ladyship ?—I have no recollection of that.

Mrs. Bell neither had nor expected any pecuniary recompence for drawing or cleaning pictures ?—Certainly she never expected any pecuniary remuneration from Lord or Lady Berkeley, nor ever received any.

Were there ever any presents received ?—Mrs. Bell once received from Lady Berkeley a little silver sauceboat for one of the children, who was a great favourite, but nothing I could consider as valuable.

The witness was directed to withdraw.

Then **ELLIS TAYLOR FARREN** was called in, and having been sworn, was examined as follows :

(*Mr. Serjeant Best.*) What relation are you to William Farren, late of Gloucester ?—Brother.

Whom did he marry ?—Ann Cole.

She is dead ?—Yes, she is

Do you know a person of the name of William Tudor ?—Yes, I do.

As you have stated you are brother of William Farren who married Ann Cole, were you intimate in the family of the Coles ?—I was.

When did you first know the family of the Coles ?—I knew them before my brother was married several years.

At what year did your knowledge of them begin ?—Before the year 1780.

Have you ever heard Tudor, about the year 1780, called by the name of Tudor ?—Since that ; not in the year 1780.

When did you first hear that person called by the name of Tudor ?—After my brother married Ann Cole.

What year did your brother marry Ann Cole ?—To the best of my knowledge 1782.

How soon after your brother married with Ann Cole did you hear Tudor called by the name of Tudor ?—I think it was, to the best of my recollection, 1784 that I first heard it.

State to the Committee in what manner it was done, what they said about his name?—They began with me first, as to my name being Ellis Taylor Farren, what was the reason of my being christened with three names, Ellis Taylor Farren. I made a remark upon that, to know the reason of William Tudor Cole.

Had you ever before this heard either of them speak of Tudor by the name of William Tudor Cole?—I had not.

How long had you known his name was William Tudor Cole?—I heard him called Tudor, and I asked for what reason he was called Tudor.

Have you ever since that heard him called Tudor?—I have.

By whom?—I heard Doctor Parker call him so.

Do you mean Mr. Parker, the apothecary of Gloucester?—I do.

You have said that Mrs. Farren is dead who was the sister of Lady Berkeley?—Yes.

Have you ever heard Mrs. Farren say any thing respecting Lady Berkeley's marriage?—She did.

What did you hear Mrs. Farren say?—I heard my brother and she both say she was married to Lord Berkeley.

Are you sure you heard that in the year 1785?—I am.

You heard them both say 1785 that Lady Berkeley was married to Lord Berkeley?—I did.

What more did they say?—Nothing.

Did you hear that more than once?—I did not.

What is your situation in life?—A farmer and grazier.

Where do you farm?—I rent near a thousand a-year of Walker Wilkins, Esquire, the Member of Parliament for Radnorshire.

Cross examined.

When were you first applied to be a witness on this subject?—I cannot exactly say; it was by Mr. Griffith.

Did you then to Mr. Griffith give the same account you have given to day?—I cannot positively say whether I did or not.

How long ago was it you spoke to Mr. Griffith?—I cannot exactly say, it was on a Saturday Mr. Griffith called me away from my dinner just as I was about to sit down at the Booth Hall Inn.

How long ago?—I cannot positively say.

might be a month before I came up here ; it was on a Saturday I perfectly recollect.

When did you come up ?—I have come up twice ; I went back again.

When did you come up first ?—That I cannot positively say, but I know I have been up twice and went back. I came up this last time on Wednesday morning.

In what month was it you first came up ?—In May I should expect ; I know it was May.

Do you happen to know whether the claimant had closed his case when you came up ?—I heard Sir Samuel Romilly speak when I was in the House.

How long before that had you been brought up to London ?—I think two days to the best of my knowledge.

Had you been asked questions by the Solicitor for the claimant before that ?—I had not.

Before Sir Samuel Romilly spoke ?—No ; I had not.

Who brought you to London ?—I came without any order whatever ; Mr. Bloxsome spoke to me, but I came without any order. I had business with Colonel Kinéy of the Royal Artillery to take an estate.

When did Mr. Bloxsome speak to you ?—I cannot say.

Was it before you heard Sir Samuel Romilly ? I think it was.

Where did he speak to you ?—At Gloucester.

When he spoke to you at Gloucester, did you then tell him what you have related to-day ?—I do not think that I did.

Did you tell him any part of what you have told to-day ?—I rather think I did.

What part ?—That I lived nearly under the same roof as my brother ; and that I knew them from the time they were married ; that I knew Tudor Cole ; and that I heard my brother and sister-in-law say that Lord Berkeley was married to Mary Cole.

All that you told Mr. Bloxsome when he first spoke to you ?—Yes ; I think I did.

Are you sure you did ?—Yes.

That was two days before Sir Samuel Romilly spoke ?—I was here two days before he spoke.

Then it must be about a week ago ?—I should think it was about that time.

spoke to me on the Friday or Saturday, and I came up on the Sunday.

How long was it before that that you had seen Mr. Griffith?—I will not pretend to say the number of days.

Was it a month before?—I will not pretend to say to a week.

Was it, do you think, six weeks before?—No, I will not say, I cannot be confident, because I am not perfect in my memory.

Did you tell Mr. Griffith the same that you told Mr. Blossome?—I will not be positive whether I did or not. I told Mr. Griffith I had heard him called Bill, and to the best of my knowledge I told him I had heard him called Tudor; I think I can speak to that.

You recollect that Mr. Griffith spoke to you, and you told him about this person's name being Bill?—I do.

Will you swear you told him his name had ever been Tudor?—I really believe I did.

Will you swear you did?—I think I can venture to do it.

Will you venture?—To the best of my knowledge I did.

This passed not many weeks ago?—To the best of my knowledge I will swear that.

Will you swear it positively?—To the best of my knowledge, and no man can swear but from his knowledge.

You must surely be able to know what this person represented as his name?—I certainly told him so up stairs at the Booth Hall.

What did you tell him?—That he was frequently called Bill or Will, but he was sometimes called Tudor Cole.

You are quite sure now?—I am as clear as that I stand here.

That you told Mr. Griffith, the first time he applied to you, his name was Tudor Cole?—That he was generally called Bill or Will, but I had heard Mrs. Farren call him William Tudor Cole.

Did you ever tell him any body else had called him William Tudor Cole?—I did not.

Why did not you tell him you had heard your brother Farren call him so?—He took me to a disadvantage; I was just going to sit down to dinner; I would not tell an untruth if I knew it.

Did he ask you whether Mr. Farren had called him so?
—I do not know that he did, but I told him he had.

Then why did not you tell him of both equally?—I cannot tell.

Did you at that time know that the enquiry was going on respecting the marriage of Lord and Lady Berkeley?—I did not.

When Mr. Griffith came to speak to you, did not you know that an enquiry was going on about the marriage of Lord and Lady Berkeley?—I did not; Mr. Griffith came to my house for half an hour, and would not tell his business, in an underhand way, with my wife; he would not tell his business; but that is not the first time of Mr. Griffith's disgrace; Mr. Griffith came and asked underhand questions, in an underhand way, and walked about the house, and said that was where he spent the younger years of his life; but that is not the first time that Mr. Griffith has done things that has disgraced him—I could tell things that would make the house shudder.

How long did Mr. Griffith stay at your house?—I cannot tell; I was not at home, and did not see him.

How long was he there when you were at home?—He never was there when I was there.

Where did this conversation pass?—In the Booth Hall.

How long was the conversation?—About twenty minutes, I suppose.

Did you know that an enquiry was going on about Lord Berkeley?—Nothing more than that Mr. Griffith told my wife; I will not deceive you any longer; I want to ask Mr. Farren some questions about his brother and sister-in-law.

(By a Lord.) Were you present?—No.

Did you hear it?—No, I did not.

Then how dare you swear it?—I did not know it till that time I said.

(Mr. Solicitor General.) Do you mean to swear you did not know before that time that an enquiry was going on about Lord Berkeley's marriage?—No, not before that time.

Had not you heard before the general election, that that was questioned?—Never in my life.

Had not you heard that there was a doubt in the county of Gloucester, whether Lord Berkeley was married to Lady Berkeley in 1785?—I was not to my knowledge.

And you never heard a dispute about the marriage of Lord Berkeley?—Yes, I have heard of a dispute, but I never heard what the dispute was about; and I will venture to swear, that Lord nor Lady Berkeley never spoke to me in their lives; I have had no communication with them to speak to them.

You are not asked as to the communication with Lord and Lady Berkeley, but do you mean to swear positively, you did not hear what the dispute was about, till Mr. Griffith came to you?—To the best of my knowledge, I knew nothing of it; I heard there was a dispute at the election, but what it was about, God knows, I never knew.

You never heard that there was a dispute about a marriage in 1785 of Lord and Lady Berkeley?—I heard there was a dispute, but I never enquired into it; I did not expect to be called.

Had you heard of a dispute about the marriage of Lord and Lady Berkeley?—I had heard there was a dispute; but what it was about, I did not know.

Did you hear the dispute was about the marriage?—Yes; but not what it concerned in any way.

Did you hear there was a doubt entertained about that marriage?—Not by any particular person I knew, nor no person came to me to say such a thing.

Did you never hear in the county of Gloucester, that the marriage of 1785 was doubted?—I heard a rumour that there was such a thing.

When?—I cannot say.

How long ago?—I cannot say; I never thought of being concerned in it any way.

Did you hear it ten years back?—I cannot say.

Five?—I cannot say.

One year back?—I did not keep the time in my mind.

Will you swear that you did not hear of the dispute a year back?—I cannot say when.

Have you not, for more than a year past, heard that there was a dispute about the marriage?—I do not think I have; the first time I heard it was, I think, when Lord Berkeley put up for the county.

What did you hear?—That there was a dispute.

What did you hear?—That the mob went on calling, that he would not be Lord Berkeley, that I heard.

Why?—I do not know; I never asked no questions.

doubt whether he was to be Lord Berkeley was on a doubt whether he was a legitimate or a natural child?—I never heard of that; I never asked any questions about it.

Was not the doubt, whether the present claimant was a child born in lawful wedlock, was not that the doubt?—I declare I never heard that mentioned; I heard that there was a doubt, but I heard it from no particular person whatever; I heard the mob in the street going on in the streets at the election.

What was the doubt which prevailed at the election?—What I heard was, that Lord Berkeley was born before marriage, by the mob, nothing more; I did not hear no particular person; it was wrote in chalk, or something or other.

Was it at the county election you heard that the present claimant was born before marriage?—Yes.

You did hear that?—Yes, I heard it talked of, but no one talked of it to me.

Did not you hear it a common topic of conversation for a considerable time?—Yes; by the mob in the streets.

You heard it repeatedly?—Yes.

Did you not know that there existed a doubt of the validity of that marriage?—I heard there was a rumour, but no person said any thing to me about it.

The following questions and answers of the Witness were read over.

"You recollect that Mr. Griffith spoke to you, and you told him about this person's name being Bill?—I do.

"Will you swear you told him his name had ever been Tudor?—I really believe I did.

"Will you swear you did?—I think I can venture to do it.

"Will you venture?—To the best of my knowledge.

"This passed not many weeks ago?—To the best of my knowledge I will swear that.

"Will you swear it positively?—To the best of my knowledge, and no man can swear but from his knowledge.

"You must surely be able to know what this person represented as his name?—I certainly told him so up stairs at the Booth Hall.

"What did you tell him?—That he was frequently called Bill Cole.

" You are quite sure now?—I am as clear as that I stand here.

" That you told Mr. Griffith the first time he applied to you, his name was Tudor Cole?—That he was generally called Bill or Will, but I had heard Mrs. Farren call him William Tudor Cole."

The Witness was directed to withdraw.

The Witness was again called in.

I think you said in answer to a question put to you, that it was in 1784 you first heard this person called by the name of Tudor, was that so?—To the best of my recollection it was, I cannot say positively what time it was, because I lived next door to them the whole of the time, my brother lived next door, Tudor did, and I was backwards and forwards the whole of the time.

Had you known him long before 1784?—Yes, I was at school in 1783, and came away in 1784.

Had you known him while he was at school?—I had known him, but not been much with him.

Had you ever heard any person call him by the name of Tudor or Tudor Cole before the year 1784?—No.

Had you always heard him called by the name of Bill, William, or William Cole?—Bill most.

Had you not heard him called Cole before?—Yes, I had.

And never the name of Tudor before?—Never.

After the year 1784, did you hear any other person than the brother and sister call him by the name of Tudor?—I did not.

How often did you ever hear either the brother or the sister call him Tudor?—Not very frequently.

How often?—I cannot say.

Will you swear to having heard them call him so three times?—I think I have.

Name any person in whose presence you ever heard him called Tudor by them?—I think that man who lived with me has heard him as well.

What man?—The serjeant in the North Gloucester militia.

You mean Roberts?—Yes.

driving cattle together continually, my mother and my brother used to buy a hundred cattle together and divide them.

You never heard what Roberts was to prove here?—No.

You have not talked to him about this?—No.

You had not heard that Roberts was called to prove this?—I sent for Roberts myself to prove this from Bristol, for I knew that he had lived with me at the time, and that he had seen Lord Berkeley, and that I had heard him say so; I was ill, and my wife fetched him up.

When was it they fetched up Roberts, how long ago?—I think Sunday or Monday last.

Before last Sunday or Monday had you told any body that the name Tudor, was the name you yourself had heard used to this person?—I cannot say to whom I told it.

Will you swear that before Sunday you told it to any body?—To the best of my recollection, I told Mr. Griffith.

Any body else?—I really cannot say, but I really believe I told Mr. Griffith so in the Booth Hall; nobody has asked me about it but Mr. Griffith, that I recollect.

Did you ever tell any body before Sunday last, except Mr. Griffith, that you had heard him called Tudor?—Yes, Mr. Cheston.

When?—I cannot say; I have been to Mr. Cheston's house and drank tea there.

Was that in the course of the present year?—Yes, I think it was.

You told him you had heard him called by the name of Tudor?—Yes.

Was that before Mr. Griffith spoke to you or not?—I cannot recollect; it was somewhere about that time, I will not pretend to say whether it was or was not.

Do not you know it was after?—No, I do not.

Will you take upon you to swear it was not after?—To the best of my knowledge I may swear it safe.

Will you swear?—I cannot swear whether it was before or after.

After the brother and sister had in your hearing called him Tudor, did you afterwards yourself call him by the name of Tudor?—I did not.

Did you after 1784 frequently hear him called as before, by the name of William Cole?—Yes I did. all as before.

And you never heard him called Tudor by any body in your life?—I did not.

Have you subsequently to 1784, called him by the name of William, or Billy, or Cole?—I do not recollect to have called him by the name of Tudor in my life, I never called him by any name but Bill in my life that I recollect.

You never had occasion to call him by his surname?—No.

When did you hear Mr. Parker call him Tudor?—In the beginning of the year 1785.

In whose presence did Mr. Parker call him Tudor?—He was put there with an intention to be apprenticed to Mr. Parker.

In whose presence?—I do not know that I ever heard it in any body's presence. If he was at the door and wanted to call him, I have heard him call him Tudor.

How often have you heard him call him Tudor?—I do not know.

Can you name any one person now living in whose presence Parker ever called him Tudor?—I cannot.

You heard both Farren and his wife say, in 1785, that Lord Berkeley was married to Lady Berkeley?—Yes.

Was it told you as a secret?—Yes, Mrs. Farren told me so.

Why?—That Admiral Berkeley was married to the Honourable Miss Lenox, and that his Lordship had promised him he never would marry, and that was the reason it was kept a secret; that was the reason she told me.

Have you ever yourself reported to any body what Farren and his wife have said to you upon the subject of this marriage?—Never but to my mother.

Is your mother living?—No, she has been dead these twenty years.

Do you remember an enquiry going on in the year 1799 upon this subject?—No, I do not.

Did you ever hear of it?—I never heard a syllable of any thing till the election.

You did not hear there had been a former enquiry in the House of Lords on the subject of Lord Berkeley's marriage?—I cannot charge my memory that I knew any thing more about than this cloth.

I mentioned the same thing to Mr. Griffith that I do now about Mrs. Farren's telling me that subject.

What subject?—That her sister was married.

Will you swear that you told Mr. Griffith?—I will not take upon me to swear that.

Cannot you remember?—No; I was coming in, just going to sit down, Mr. Griffith called me suddenly, and I do not recollect. I would sooner lose my life than state a falsity.

You cannot recollect whether you told Mr. Griffith of the declaration of marriage of Farren and his wife?—I will not positively swear that, I cannot say I did or did not; but I think to the best of my knowledge I did.

Cross-examined by Mr. Attorney General.

You stated just now that to the best of your knowledge you told Mr. Griffith in the Booth Hall, that in the year 1784 you had heard Will Cole called Tudor?—I told him so at some time, I cannot pretend to say when; but I told him so in the Booth Hall.

You first said you had told him so to the best of your knowledge, and being pressed afterwards whether you would not swear it positively, you said you would swear it positively?—I said to the best of my knowledge I told him so, and I really believe to the best of my knowledge I did.

The following questions and answers were read to the Witness :

“ You recollect that Mr. Griffith spoke to you, and you told him about this person's name being Bill?—I do.

“ Will you swear you told him his name had ever been Tudor?—I really believe I did.

“ Will you swear you did?—I think I can venture to do it.

“ Will you venture?—To the best of my knowledge I did.

“ This passed not many weeks ago?—To the best of my knowledge I will swear that.

“ Will you swear it positively?—To the best of my knowledge, and no man can swear but from his knowledge.

"What did you tell him?—That he was frequently called Bill or Will, but he was sometimes called Tudor Cole.

"You are quite sure now?—I am as clear as that I stand here.

"That you told Mr. Griffith the first time he applied to you his name was Tudor Cole?—That he was generally called Bill or Will, but I had heard Mrs. Farren call him William Tudor Cole."

Did not Mr. Griffith, at the time you gave him these answers, write a memorandum of the account which you rendered him?—I believe he did.

Did not Mr. Griffith, after he had written that account, read it over to you?—I think he did; I am positive he did.

Did you, when that account was read over to you, complain that any thing was mistated in it, or that any thing was omitted?—I cannot say as I did or did not; not now I won't say as I did in any respect whatever, nor as I did not.

The witness was directed to withdraw.

The Counsel were directed to withdraw.

The Counsel were again called in.

The Attorney General requested permission to call Mr. Griffith, to state what had passed between him and Ellis Taylor Farren.

Then WILLIAM GRIFFITH was again called in, and examined as follows:

(*Mr. Attorney General.*) How long have you been an attorney?—I was admitted in the year 1779, Michaelmas Term.

Have you practised in Gloucestershire since that time?—Nearly from the whole of that time, not quite.

Have you had a considerable extent of business?—I have latterly, I believe I may say the first office in Gloucester in partnership with Mr. Whitcombe and Mr. Phillpotts.

Did you examine the last witness, Farren, for the purpose of collecting from him what he knew relative to the supposed marriage that had taken place between Lord and Lady Berkeley in the year 1785?—As he was the brother of

had been the maternal property of my family, and I found his wife at home; he was not at home, and I certainly had conversation with her on the Saturday seven-night. I believe the Saturday, if the 15th was on a Saturday, on the Saturday after this Committee adjourned for the Easter Recess, I saw him at Gloucester; I enquired for him at his inn, he was not in the house, I waited some little time and met him at the door, he was going in the house to dinner. I took him up stairs with me into the dining room, and there I put some questions to him, the answers to which, the result of which, is contained in this paper.

The Witness produced a paper and was asked,

Was that paper read over to him afterwards?---It was; it was written in his presence, and read over to him.

Did he make any objection to any part of this paper?---Certainly not.

Did he state that you had omitted any thing in that paper?---He did not.

Was that received from him as the result of the account that he could give?---It was.

As of the whole account that he could give?---Whether it may be quite the whole I am not positive, perhaps not.

Every thing material?---Every thing that I considered material.

Does it contain every thing he said relative to the name of Tudor being ever given to this man?---Certainly,

Cross-examined by Mr. Serjeant Best.

Did you put any questions of that sort to him?---I do not remember that I did; I have some recollection that there might be something more about the marriage, if he knew about the marriage; and that he said he knew nothing of the marriage, nothing particular.

Do you mean to state, that that contains the whole of what Farren said?---I believe it to contain the whole of what with the exception, if there was any thing said re- the marriage, that he knew nothing of any marriage. thing was said upon that subject.

Farren extremely reluctant to give you any ac- all?---I thought he seemed uneasy. He did

Did you observe a reluctance in him?---I should think myself that there was a reluctance, naturally so from the connection with the family.

How long were you and Farren together?---I should think about a quarter of an hour.

Re-examined by Mr. Attorney General.

You have been asked as to the questions you put to the witness. I ask you only as to the answers which the witness gave to you. Are you sure that the witness did not tell you that in 1784 he had heard this man called by the name of Tudor?---Certainly he did not.

Are you sure, whatever your questions to him might be, that he did not in any of his answers, tell you that Mr. Farren or Mrs. Farren, or any one else, had informed him of a secret marriage between Lord and Lady Berkeley?---He certainly did not tell me so.

Did he, during that conversation, say Tudor's brother and sister called him Tudor?---No, he did not.

Examined by the Lords.

You made this memorandum at the time the conversation took place between you and Farren?---Yes.

And you read it to Farren?---Yes.

Had Farren the paper in his hand, or did he read it?---No, he did not.

If any questions were put on the subject of the marriage, how came so important a part of the subject not to be recorded in that?---If there was any thing, it must have arisen from this circumstance, that I did not consider, it of importance, if he knew nothing at all upon that subject; it must have arisen in that way.

Have you a recollection of the questions you put to the witness upon that occasion?---I could not particularize merely general questions. I must have asked him first what he knew of the family, if he knew the family, and then what became of the brother, and also what his name was, and it is very probable that I might have enquired of him other things.

From your recollection of the questions. do you not con-

have brought out, I should think so, that he must have been called by one or the other, because it is expressly stated that he did not recollect that his surname was ever mentioned; therefore, by that I should suppose by any body, more particularly by the family, because certainly at that time I had no idea of Parker. I think I may just add one word, that Mr. Farren must have been fully prepared to see me on that day, from this circumstance, that he shewed me a letter, which had been received, I think by his mother, from Mrs. Turnour, upon the occasion of his brother's death, immediately preceding his death, mentioning his illness, and that it was impossible he could live; he had that letter in his pocket, which he produced when I asked him about letters.

The witness was directed to withdraw.

The counsel were directed to withdraw.

Then it was moved to resolve that the chairman of this committee do report the evidence of the witness Ellis Taylor Farren to the house, when it shall sit; and also the evidence given this day by William Griffith; and that the witness Ellis Taylor Farren be ordered to attend this house at its sitting.

The same was agreed to, and ordered accordingly.

The counsel were again called in.

Then the Right Honourable the Marchioness of SALISBURY was called, and a chair being placed for her Ladyship, she came to the table, and having been sworn, was examined as follows:

Does your Ladyship recollect seeing the late Lord Berkeley at the play in the year 1797?—I do not know exactly in what year.

If your Ladyship does not recollect the year, do you recollect the circumstance of the late Lord Berkeley introducing the claimant to you at the play?—Yes.

By what name was he introduced; by what title?—He said, "Allow me to introduce my eldest son Lord Dursley to you;" or "Give me leave to introduce him to you."

Does your Ladyship recollect a trinket being lost that night?—I should not exactly call it a trinket, it was a little hole to let the

Does your Ladyship recollect who brought back that?—Lord Dursley, the next morning.

Was there any note sent with it?—No, none.

Your Ladyship is understood that Lord Dursley brought it himself, and there was no note?—He did, and he said he had got over into my box and found it, and that his father sent him with it the next day.

Her Ladyship withdrew.

JOHN HALE, being sworn, deposed, that he had been in the habit of attending Berkeley Church during the life of Mr. Hupsman, who being in the habit of publishing the banns while the bustle and confusion of the people rising from their seats after the second lesson continued, they were heard with difficulty, and sometimes not distinctly. He never heard the banns between Lord Berkeley and Mary Cole.

Mr. THOMAS MERRIT stated that he was in the habit of going to Church towards the latter end of 1784, though not every Sunday. Mr. Hupsman he said was very quick in publishing the banns. The witness was a tenant of the Berkeley family, and had been so for thirty years. Being asked, Do you recollect the dinner given to the tenants at Christmas, he answered Yes; and I believe I was there most of the times.

Were you there from 1785 to 1796?—I was there the first day the birth day was kept?

Do you remember the keeping of the birth day of the eldest son?—Yes, very well.

What was that eldest son called?—Lord Dursley, and there was the name put up at the gates.

It was understood from the first by the tenants that he was to be their future landlord?—Yes.

Were you present at the first birth day?—I cannot say that I was at the first; the second I was.

How old was the child at that time?—I cannot say.

Was he brought into the room? Yes, into the great hall.

Then you remember from his appearance what age he was?—I cannot at all.

Was he in petticoats?—No; I cannot remember at all.

Was he four years old?—I cannot say indeed.

Had he breeches on?—Oh, I cannot tell.

You are sure he was under six years of age?—I cannot tell, indeed, positively; I do not pretend to say any thing of the kind.

Was he ten years of age?—That could not be.

What age was he then?—I cannot tell you.

You are certain he was not ten?—Not the second year to be sure.

Are you certain he was not nine at that time?—No, I cannot tell.

What is your reason for being certain he was not ten, but hesitating whether he was nine?—I cannot pretend to say whether he was ten or nine.

How tall was he?—I cannot tell; perhaps I might be at the bottom of the great hall when he was brought into the great hall and shewed.

You said you saw him brought in?—No, I did not say I saw him brought in.

Did you see him?—I put my eyes upon him to be sure when the rest went to see it.

In what part of the hall?—In the upper part of the hall.

You are certain you saw him?—Yes, I see'd it.

Was he carried in?—I cannot tell that.

Was he on the table?—I cannot tell whether it was held in arms or put upon the table; I do not pretend to say.

And you cannot pretend to say whether he was ten years of age or two years of age?—No, I cannot tell indeed.

And he was called Lord Dursley from the first of your appearance there!—Yes..

And there were letters put up?—Yes, the inside of the lodge.

The name of Lord Dursley?—Yes, for us to see coming backwards and forwards.

What were the words?—L. D. I believe.

In ink?—No, it was large letters in front of the lodge.

Lamps?—There were lamps about the place gave light to it.

Were the letters in pen and ink or painted?—No, they were not pen and ink; I cannot tell what they were composed of. You saw this twenty years ago?—Yes, at least as much as

What colour were those letters?—I cannot pretend to say; I never thought of coming up to this house.

At what time of the day was it he was brought in?—In the evening after dinner.

What time of the day was the dinner?—At two o'clock was the time, but rather after two.

Was he brought into the room?—Yes, he was brought into the room after dinner by some of the family, the servants.

Was it proclaimed that he was brought into the room?—Yes, he was brought in.

Was it told the tenants that Lord Dursley was brought in?—I do not know how we came to hear of it, but there it was, and then we did draw up to see it.

You went and saw the child?—Yes I see'd the child.

You are sure you saw the child?—Yes I see'd him.

Cannot you tell whether that child was carried, or was placed upon the table?—Upon the head of the table; but I cannot tell whether he was brought in arms or on his feet.

You saw the child?—Yes, but I do not recollect in what manner he was brought in?

Was there silence proclaimed when the young Lord was brought in?—I cannot say.

Any health drank?—Yes, we all drank his health.

Lord Dursley's?—Yes.

Did you huzza afterwards?—Yes, of course, three huzzas.

Though you do not remember the size of the child, you remember they called out to drink Lord Dursley's health?—Yes, I remember that.

Who called out, my Lord or the steward, or who?—Perhaps the steward, but I do not remember exactly; not my Lord.

You remember silence, and then the health drank?—Yes.

Who made the speech?—I cannot pretend to say.

There was a speech?—Yes, but I cannot pretend to say who it was.

What was it about?—About Lord Dursley's health, and then we drank it in a bumper.

You did do all this from the first?—Yes, as regularly as the day came.

These letters in the lodge, were they in the lodge or out-

Was it on a board, or how?---I do not remember.

How can you remember so well it was written?---It was not written, it was put up.

Was it put up in capital letters or small ones?---Large.

Printed letters, or like writing?---I cannot pretend to say.

You are sure you saw it more than once?---Yes.

Who was the steward of Lord Berkeley at that time?---

One Mr. King was steward some years back, about that time; but I will not pretend to say whether it was he or not.

Do you recollect a steward of the name of Boniface?---We used to know Mr. Boniface as being the steward.

Do you recollect Boniface being present at such a meeting?---No, I do not; he was a person I was not acquainted with, nor no one.

Do you recollect whether Lord Dursley was brought in by a man or a woman?

No, I do not.

The witness was directed to withdraw.

NICHOLAS HICKS being called in and sworn, was examined as follows:

What business are you?---I was admitted an attorney.

What have you been besides an attorney?---A farmer I have been lately.

Were you acquainted with the late Mr. Hupsman?---Very well.

Have you ever seen him write?---Yes.

Have you ever lent him money?---Yes.

Did you take any securities from him?---I had two notes of hand.

Did you see him write those notes of hand?---I did.

The registry of the marriage of Lord Berkeley was shewn to the witness, and he was asked,

Look at the words "Aug^d Tho^s Hupsman, and tell whose hand writing you believe that to be?---As far as my knowledge leads me, it is Augustus Thomas Hupsman's hand-writing.

Do you mean the late Vicar of Berkeley?---Yes; and that this is Lord Berkeley's hand-writing-

Do you know whose hand-writing those words "the mark of Richard Barns" are?---The words "the mark of Richard Barns" are to me to be Mr.

Then the registry of the banns of Lord Berkeley was shewn to the witness, and he was asked,

Look at the entry of banns, and tell in whose hand-writing the whole of that entry is?---Mr. Hupsman's, as far as my belief, according to what I was used to as his writing.

Do you mean to speak of the signature merely?---No, the whole.

Of the whole of the entry of the banns?---Yes.

You believe the whole to be the hand-writing of Mr. Hupsman, the late Vicar of Berkeley?---I do.

Cross examined.

Have you frequently seen him write?---I have received letters from him, and have seen him write.

You are very well acquainted with his hand-writing, are you?---I have received several letters from him, and have seen him write.

Did you take particular notice how he used to make the capital letters of his name?---His A he used to make in a particular way.

The A in Augustus?---Yes.

And the H in Hupsman?---I never took particular notice.

Show how he used to make the H in Hupsman, so as to shew the manner in which he made it?---As to imitating his hand-writing I cannot do that. As far as my conscience leads me, it is Mr. Hupsman's hand-writing. I have had several letters, and I have seen him write; I have seen him sign his name.

Can you or not judge of the letter H in Hupsman, whether it was his hand writing or not?---I think the whole of what I saw in his signature was his hand-writing.

Have you taken sufficient notice of the manner in which he used to sign his name, to notice the manner in which he made the H in Hupsman?---No, I never singled out any letter; but it appears to me to be his hand-writing.

Can you say that the H in either of those books that have been shewn you was formed in the same manner in which the H used to be formed by Hupsman in the signature of those which you have seen?

The witness was directed to withdraw.

Mr. Serjeant Best submitted to the court that the book ought to be shewn to the witness before he answered that

You have not been at Spring Gardens lately, have you?—I have not, not to converse with any body on the subject.

Have you been there?—I have been there several times.

Have you been living there?—No, I never ate nor drank there in my life.

Whom did you go to there?—I saw lady Berkeley.

Do you mean to say you have not talked with any body since you came to London as to the manner in which Hupsman wrote?—I have not.

Have you been present when any examination was going on as to the hand-writing of Hupsman?—I was here part of yesterday.

You mean the last time the witnesses were examined here? Yes.

Did you then hear a description of the manner in which the letters were made?—I did not; I heard a talking about an A, that is what I heard.

What did you hear talking about an A?—About the shape of the A, but I do not know where it was nor what it was; I heard you putting the question.

What was the particularity in the letter A?—Mr. Hupsman had a very particular way of making his A,

In what respect?—A bit of a shoulder; I can point it out.

Can you point it out on paper?—I should rather do it in the book.

Point out the sort of thing you are describing?—No, I do not know that I can, but his A was far different from most A's.

In what way?—There was a kind of a shoulder at top.

Do you mean the top of the letter A?—Yes, in the small a.

Not in the capital letter of Augustus?—No, in the small a.

Which A do you mean?—In writing the small hand he made his a different.

Which part of the signature?—It is in the banns.

In which part of the signature do you speak of; there are A's in Augustus Thomas Hupsman?—I do not speak of his signature particularly, but his general hand.

Can you take notice how he formed the A?—He always

could distinguish of a

The A to what word do you speak of?—The *A* to Augustus.

The first letter in Augustus?—Yes.

How did he make it?—Not long in this way (*describing it on the paper*) A.

What was not long?—It was not a long A, it was a short *A* for a capital.

Was there any thing particular in making that sort of A, that you noticed?—Not that I took particular notice of.

I mean the manner of forming that sort of letter?—No, not altogether in particular; I never took particular notice.

Did you ever take notice whether it was his habit in writing the *A* in Augustus, to make the down stroke from the O. from the top or the middle, or the lower part of the O?—I never took notice whether he made it one way or the other, it was that kind of *A*.

Did you take notice at all of the manner in which he made the H. in Hupsman?—Never in my life.

Did you ever take notice whether the first stroke of the H. was by Hupsman made with a loop, or without a loop?—I never took notice, nor never compared his hand-writing with the rest, nor never saw the register but once before now, and never saw it more than five minutes.

Is there any particular letter in the signature which you could describe as particularly recollecting what his hand-writing was?—The whole of the signature to both appears to be his.

You cannot fix with respect to any one letter?—His *A* I have spoken to.

You have been an attorney?—Yes.

Do you know the Reverend Mr. Hickes?—Yes.

Was he your brother?—Yes.

Do you remember applying to him for about £300 for a client of yours?—No.

That Hickes owed a client of yours?—No.

Will you swear it?—I will; I have sworn it.

That you did not apply to your brother for £300 for a supposed client of yours, on that application?—No, not to the best of my recollection.

Did you ever receive any sum of money from your brother?—By his orders, I may.

By whose orders?—My brother's orders.

I ask of a sum of money due from your brother to a client of yours?—Oh, I never did.

Whether you made any application for a sum of money to your brother, as being due to a client of yours?—Never, to the best of my knowledge.

Whetmore, or some such name as that?—Never.

Did you never apply and receive a sum of money, stating it to be called for by a client of yours of the name of Whetmore?—No.

You never did at any time?—No.

Do not let us misunderstand one another; I mean a sum of £300, or thereabouts?—No.

How long has your brother been dead?—I do not know how many years, three or four years.

Where do you live now?—In town.

You are a farmer, did not you say?—No, I was a farmer.

What are you now?—I am in no employ now.

How long have you been out of employ?—About three months.

Living in London without employ?—I have had employ.

What employ?—Gentleman in the City.

To write for a gentleman in the City?—No, not to write for him, out in the country with him.

What was your employ last before that?—A farmer.

Where?—At Stone.

How long ago?—I think it was in November. I left the farm October or November.

Do you know Mr. Marklove?—Yes.

Did you ever get any money from him at any time?—No.

Nor from the Bank for him?—No.

You swear that?—Yes I have, and will swear it.

Within the last six months?—No.

You have not obtained any money from him or from the

Who paid it to the Bank again?—It was paid into the Bank at Bristol, it was a draft at three months.

Who repaid the Bank that money which you had got, did you repay it or anybody else?—I repaid it.

How came you to repay it?—Paid it into the Bank at Bristol, where it was due.

Did you repay it before you were spoken to on the subject?—Yes; I never owed them the money when they charged me with it.

Who charged you with it?—Mr. Marklove; he said there was a mistake of a hundred pounds between the Bank and the Bank at Bristol, and it was a draft of mine. I told him it was ever since last April; and they had the money a long while ago, and I had their draft again.

Did you pay the money before this circumstance was noticed, that you had got this hundred pounds by the bill?—Yes, paid it into this Bank at Bristol.

It was finally cleared up to be a mere mistake?—Not with them; they say they are a hundred pounds out of pocket.

Who say that?—The bankers at Berkeley.

By your means?—I cannot tell.

Re-examined.

Did you draw out any money which you did not return?—No, I did not; I paid it into their Bank at Bristol.

What is the peculiarity in the A you spoke of?—That he made a round *A* instead of a long *A*.

An *A* like a small *a*.

Examined by the Lords.

You having said you had seen Mr. Hupsman sign two promissory notes, and that you have had letters from him, and being acquainted with the general character of his handwriting, have you, taking into the account the particular manner in which he has made the *A*, any manner of doubt that that is writing?—I have not the least doubt in the world.

Then the registry of the marriage of Lord Berkeley was again shewn to the witness, and he was asked,

When did you cease to be an attorney?—Twenty years ago.

Did you commence as a farmer immediately?—Yes.

Under whom?—Mr. Jenkins.

Always the same?—Yes.

And continued to last November?—Yes.

Why did you leave it?—I could not keep it.

Was your lease expired?—I had no lease.

For want of means you would not continue it?—No.

Did you come immediately to London?—No; I was a quarter of a year in the country.

Where?—At a place called Kingswood in Wiltshire.

What were you doing there?—Nothing.

What was the cause of your going to Kingswood?—The fear of being arrested.

With whom did you live at Kingswood?—I took a room there.

You were in concealment there?—Yes.

How long did you stay at Kingswood?—I cannot say exactly.

When did you quit Kingswood?—I think in February.

Did you come immediately from Kingswood to town?—Yes.

How did you come?—By the coach.

Where did you come to in London?—To the Bell Savage.

What did you do as soon as you came to town?—I took private lodgings, and went to a friend of mine in the City, who promised to get me a situation with a friend of his in the country as a steward to look over his lands, and he has advertised three times in the paper for me.

Have you been employed by any body?—No more than this gentleman, Mr. Hodgetts.

How has he employed you?—By writing letters in his counting-house; and he has a counting-house, and I have been there a little.

Do you know how you came to be summoned as a witness here?—I received a letter from my wife, saying, that there was an anonymous letter sent to your Lordships, of such and such people coming up to give evidence against Lady Berkeley; and I went and told Lady Berkeley, that if I saw the registry, I believed I could swear to the hand-

When did you tell Lady Berkeley of that?—Oh, some time after March.

After last March?—Yes.

When?—I think in the month of April.

It was in Spring Gardens you went to Lady Berkeley?—Yes.

And you there told her you could swear to Hupsman's hand-writing?—Yes.

And that was what passed between you?—Yes.

Did any thing more pass as to any evidence you would give here?—No.

But you said you thought you could swear to the hand-writing of Hupsman?—Yes, from having seen him write, and received letters from him.

The following questions and answers of the Witness were read over:

“ Have you been conversing with anybody lately as to his hand-writing?—I have not.

“ You have not been at Spring Gardens lately have you?—I have not; not to converse with anybody on the subject.

“ You have been there?—I have been there several times.

“ Have you been living there?—No, I never ate nor drank there in my life.

“ Whom did you go to there?—I saw Lady Berkeley.

“ Do you mean to say you have not talked with anybody since you came to London, as to the manner in which Hupsman wrote?—I have not.”

The Witness was directed to withdraw.

Then it was moved to resolve, That the Chairman of this Committee do report the evidence of Nicholas Hickes, to the House, when it shall sit; and that the said Nicholas Hickes be ordered to attend this House at its sitting. The same was agreed to and ordered accordingly.—Adjourned.

MARGARET THOMPSON, being called in and sworn, was examined as follows:

You are the wife of Mr. James Thompson?—Yes.

Do you remember seeing at any time a person of the name of Edge; Mrs. Edge?—She took my lodgings in that name.

In what year?—In 1792.

Is there any circumstance which enables you to fix that date?—Only by the birth of my child; I could not tell but for that.

That was in the year 1792?—He was born in the year 1791, it was the spring after.

What was the name of that son?—Harry Williams Thompson; he was born in July, and this was the spring following; I cannot tell the month.

Did Mrs. Edge take a part of your lodgings in Portland-street?—Yes.

Did she remove from those lodgings afterwards?—She did not stay with me above two months; I cannot tell exactly the time.

Did anybody live in the lodgings besides Mrs. Edge?—She had a young lady with her of the name of Walton; Miss Walton she called her.

Had she any young gentleman with her at the same time?—No, indeed, she had not.

Did you ever see her afterwards?—Yes.

Where?—I removed from that house into Grafton-street, Fitzroy-square, and she came to lodge with me in the November following. I remember pretty well that it was in that month, but I cannot tell exactly the month so as to swear to it.

In the same year?—Yes.

How long did she lodge with you then?—Till the spring following.

Did you, at any time while she was there, see a person of the name of Tudor?—Yes, as her brother.

Where was it you saw him?—I saw him first in Portland-street.

When Mrs. Edge was living with you in Portland-street?—Yes.

Did he then come to visit his sister?—He called upon her.

Once, twice, or several times?—I cannot tell; it was not often I think.

Did he take his meals with her occasionally? --Very seldom.

Did he at all? --Yes, I believe he has; I did not attend her, it was the servant attended her, but I think he has as far as I have heard.

Have you seen them together? --Yes; I have seen them walk out together.

Did they appear to be on a friendly footing like brother and sister? --I believe so; I have seen them go out; I cannot tell any thing further.

Did you know a Mrs. Clayburn? --Yes.

Did you know what her name was before it was Clayburn? --No; she came to my house with a gentleman who was called Major Clayburn.

Whom did they come to visit at your house? --Mrs. Edge. She told me she was her sister.

Who told you so? --Mrs. Edge told me Mrs. Clayburn was her sister.

Do you remember seeing Mrs. Cutting or Mrs. Taylor at any time at either of those houses? --I have heard of them.

Did you see them there? --I have seen them come in and go out.

At which house? --In Grafton-street.

Mrs. Taylor and Mrs. Cutting? --Yes, by those names I have heard the servant say.

You say you saw a person of the name of Walton? --A Miss Walton who was like her companion; a young lady that she kept with her.

Do you know whom she married afterwards? --I have heard she married Mr. Tudor, but I have never seen her since.

Do you remember Mrs. Edge hiring a female servant before she went to Ireland? --I do not know any thing of it more than that she did hire one.

She hired a servant to go to Ireland with her? --Yes.

Did that servant return afterwards? --To the best of my recollection I think she did, but I cannot exactly say.

Do you remember Mrs. Edge afterwards marrying? --Yes.

Whom did she marry? --Mr. Hayward.

Cross-examined.

How early in 1791 do you remember Mr. Tudor coming there?—In 1792 it was when he came there.

(*By a Lord.*) Did Mr. Cutting inhabit your house?—After Mr. Hayward married he was in my house for a month or two to lodge.

Are you to be understood that Mr. Cutting did not inhabit that house at the time that Mrs. Edge inhabited it?—No.

Do you recollect when it was that Mrs. Edge married Mr. Hayward?—She went to Ireland from my house; I do not know exactly when she returned, but the year after I believe.

Do you know where she lived at the time she married Hayward?—Yes; they furnished a house in Devonshire-street, No. 8.

Do you know whether Mr. Tudor was present at the marriage?—I cannot tell.

Was he then in the habit of visiting his sister?—I cannot tell.

You said there was a young lady of the name of Walton, a companion of Mrs. Edge?—Yes.

Did she act likewise in the capacity of a servant?—No, not in any respect.

Did you know that young woman when she went by the name of Lydia Sharpe?—No.

Do you know what her Christian name was?—I think Mrs. Edge used to call her Lydia.

Do you know when Miss Walton was married?—No, I do not indeed.

Do you know whether Miss Walton ever lived with Mrs. Clayburn?—No, I do not.

You are understood to have said that Miss Walton was a companion of Mrs. Edge?—Yes.

Do you mean as a companion that she dined at table with her?—Yes.

Or was she a servant?—She was no servant; she dined with her and walked out with her.

Then MARY OLDACRE was examined as follows :

Did you ever live in the family of Lord Berkeley?—
Nearly seventeen years.

When did you go into the family of Lady Berkeley as laundry maid?—In June 1794.

What room of the Castle did Lady Berkeley generally sit in?—In her dressing room.

When her Ladyship sat in that room, was she in the habit of locking the door?—Sometimes.

Do you recollect that more than once or twice?—Yes.

Do you remember Mrs. Price?—Yes.

Do you remember Mrs. Price leaving the service?—Perfectly.

Do you recollect when Mrs. Price left the service, whether she expressed any displeasure at the conduct of Lady Berkeley?—Not in my hearing.

As you lived 16 or 17 years at Berkeley Castle, you must recollect instances of the family leaving the Castle to come to London?—Yes.

Upon these occasions, were orders given to take away all the things; or were the things belonging to Lady Berkeley taken away?—Not in my time; Lady Berkeley wished us to take away as few things with us as possible.

Were the greater part of the things that were used left at the Castle?—We left some at the Castle, and some at Cranford.

Do you recollect Lord Berkeley's illness?—Do you mean at his death?

No, a former illness; some years before his death?—I think he had been ill in London two years before he died.

Do you recollect any former illness of Lord Berkeley's?—I recollect he was very ill some years ago in Spring Gardens; but I cannot exactly recollect the time.

You have no recollection of his illness in the country?—No, I have not.

Did you ever see any letters written by Mrs. Price to Lady Berkeley?—No.

You say you recollect Mrs. Price leaving the family; did Mrs. Price express any anger in your hearing?—No, not in my hearing.

Were you the person that had the care of the linen?—No, I had not.

Do you know any thing of the marks Lady Berkeley had on her linen?—Her linen was numbered but not marked.

Did you ever see the letter T. on any of Lady Berkeley's linen?—No, I never did.

If the letter T. had been upon the linen, from the observation you had opportunity of making upon the linen, must you have seen it?—I think I must; I lived in the nursery, and the clothes were always brought there to be mended.

And you never did see the letter T. upon them?—No, that I never did.

Was it prior to 1795 or 1796 you were employed to mark the linen?—I cannot say.

You do not know whether it was prior or subsequent to 1795 or 1796?—No.

Where did Lord Berkeley live in London at the time of your marking?—At Spring Gardens.

At the time you marked?—At the time I came into the family.

You were not in the family till Lord Berkeley lived in Spring Gardens?—No.

What was the mark you did put?—For her Ladyship M. B. and a coronet.

Who had the principal ascendancy in the family, Lord or Lady Berkeley?—Lady Berkeley with respect to the children and the servants.

Have you been often in the church at Berkeley?—Yes.

Did all the servants of the Berkeley family sit on the same seat?—No; there was a seat for the family, and two seats for the servants.

What distance was the servants' seat from the reading desk?—The distance of this room I should suppose.

As far as to the further end of the room?—I mean that way (the long way).

When you went into the family first, it was in the year 1794?—Yes, it was.

Did Lady Berkeley then go by the name of Lady Berkeley in the family?—No.

By what name did she go generally?—Miss Tudor.

When did you first hear Lady Berkeley called Lady Berkeley in the family?—I think it was 1796.

What period of the year 1796?—About autumn, I think it was.

recollect marking any thing for her, when I first went into the family.

At what period can you say, that you marked the linen with M. B. and a coronet?—I cannot say at what period.

Was it before or after she was called Lady Berkeley?—After.

Colonel JOHN WEST being called in was examined as follows :

Were you acquainted with the late Lord Berkeley?—I was.

Did the late Lord Berkeley speak to you confidentially respecting his affairs?—No, not confidentially respecting his affairs.

Do you recollect having had any conversation with Lord Berkeley at any time previous to the year 1799, respecting the legitimacy of the present claimant?—I do.

Have the goodness to state that conversation, when it was, as nearly as you recollect, and where?—I was accustomed from my acquaintance with Lord Berkeley's house, to be intimately acquainted, not only with him, but the present Countess of Berkeley. She frequently wrote to me prior to her declared marriage; in one of her letters she mentioned to me that Lord Berkeley——

Have the goodness to state the conversation with Lord Berkeley in the first place; when was it?—In 1797, at Weymouth; I think to the best of my recollection 1797; I have kept no memorandums of any of these matters; their Royal Highnesses the Prince of Wales and Duke of York were there at the time.

Have the goodness to state what then passed between Lord Berkeley and yourself?—In consequence of a letter I received from the Countess of Berkeley to mention to me that Lord Berkeley had a secret to communicate to me, one morning at breakfast I mentioned to Lady Berkeley, “ You “ informed me, Lord Berkeley had a secret to communicate “ to me; what was that secret?”

This was in the presence of Lord Berkeley?—Yes; it was in the presence of Lord Berkeley, reminding Lady Berkeley

" gave me great satisfaction to know that she was Countess of Berkeley; but pray, my Lord, will you allow me to ask you one question; when could you have done this; when could you have introduced that lady as Countess of Berkeley to me?" I do not know exactly the number of years, but he says, " Eleven or twelve years prior to that time;" then says I, " My Lord, am I to understand by that your eldest son is legitimate." " I mean that you should understand that positively that it was so." I then expressed my satisfaction again, and begged leave to tell this; " Will you allow me, my Lord, to tell this; to talk of it abroad?" says he, " You may." Knowing a lady I might tell it to, which was the same as putting it into the papers. I immediately went, and informed the Prince of Wales of it; the Prince of Wales was informed of it that morning at Weymouth.

Was that all that passed upon that occasion?—That was all that passed upon that occasion.

Had you been acquainted with Lord Berkeley for several years prior to this year 1797?—A great many years. My first acquaintance with Lord Berkeley was, I think, in the year 1772, on the death of Lord Berkeley of Stratton, who left a considerable fortune to Lord Berkeley, and a small legacy to me; since which time I have received great friendship from Lord Berkeley.

From the manner in which you had seen Lord Berkeley great Lady Berkeley, prior to the year 1797, in what character had you considered Lady Berkeley?—I considered Lady Berkeley to be treated with the utmost respect, in every point possible, for a man to treat his wife; I have no reason to think otherwise; I was much at the house.

Were you the person who introduced Lady Berkeley to Mrs. Bell; how did you introduce her?—I took her to the house to see the pictures of Mrs. Bell; Mrs. Bell painted very well; she had painted a portrait of me, and several persons; I took Lady Berkeley to the house to see the pictures.

Do you recollect when it was?—I think it was the year 1791.

When you took her to see Mrs. Bell's pictures, state to the House how you introduced her?—Mrs. Bell knew my intimacy in Lord Berkeley's house. I mentioned that I had very great reason to believe there was a secret marriage from

Lord Berkeley treated that Lady ; and from hints I had from her, but not that I could say any thing positive as to the marriage, it was rather some little presumptive proof I may call it. I was anxious to have Mrs. Bell acquainted with Lady Berkeley, in order that Lady Berkeley might have some acquaintance to visit.

You have in the last answer spoken of hints given by Lady Berkeley, were any such hints given to you by Lord Berkeley ?—None.

Were any of the hints given by Lady Berkeley, given in Lord Berkeley's presence ?—I do not think they were.

Do you recollect any conversation relative to the marriage in the presence of Lord Berkeley, prior to that in 1797 at Weymouth ?—I do not.

Did you yourself speak to Lord Berkeley on the subject prior to 1797 ?—I have often mentioned to Lord Berkeley how much it hurt me calling that lady by the name of Miss Tudor ; but I had no satisfactory answer to that.

Do you recollect the words of any answer that you had upon any of those occasions ?—I think I recollect his saying that in time I should know more of it, something to that purpose ; I am not very clear ; I think Lord Berkeley has said so to me, " in time you will know more of this business."

That was when you had said to Lord Berkeley that it hurt you to call that lady Miss Tudor ?—It was.

Cross-examined.

Was that expression you last mentioned a short time before 1797, that Lord Berkeley said, " in time you will hear more of this business ?"—I cannot answer that question as to time. I was frequently with Lord Berkeley on shooting parties and others ; but as to the time, or really as to the exact words, I cannot speak ; it only impressed an idea on my mind that there was something between them that I could not well fathom.

You are understood not to be positive even that the words were spoken at all ?—Yes ; I think I am very positive the words were spoken.

What words were spoken ?—I believe I must speak doubtfully ; but I think the words were spoken both by Lord

what period of time it was that Lord Berkeley said any thing to that effect to you?---It was certainly prior to 1797, certainly, considerably prior to that; it may have been two or three years.

Can you at all fix the date more precisely than that?---Upon my word I do not think I can.

You spoke of being acquainted with Lord Berkeley from the year 1772?---Yes.

You were acquainted with Lord Berkeley when he lived with Mrs. Bailey then?---I never visited Lord Berkeley while he lived with Mrs. Bailey. I was abroad on the American War; when I returned, I visited Lord Berkeley, but she was not then with him.

At what time did you return from abroad?---In the year 1780.

In the year 1780 were you in habits of intimacy with Lord Berkeley?---From 1772 I corresponded with him while I was in the West Indies.

Upon your return in the year 1780, did you much live with Lord Berkeley then?---I did not much live with him because he kept no house; at least I did not know it; I met him in a variety of houses, particularly Lord Uxbridge's.

You did not know enough of Lord Berkeley to know whether Mrs. Bailey was living under his protection then?---Yes, I have heard of Mrs. Bailey; but I was never introduced to her.

In the year 1780?---It was 1780 or 1782, I believe, that he quitted her.

Can you at all speak to that?---No, I cannot.

At any time prior to the year 1796 can you state whether this lady went by any other name than Miss Tudor?---Never. I never could say that she went by any other name; I had no authority to call her by any other name; I believe she did go by that name by several people. There were instances of persons calling her Lady Berkeley.

Did you ever hear any body call her Lady Berkeley?---I have.

Who?---I think in my visits to Mrs. Bell she has certainly been announced as Lady Berkeley.

That was subsequent to the introduction of course?---Yes.

Was there any body else?---Mrs. Bell that you now see.

ley prior to the year 1796?—I do not think there is any one I could name.

Were you in the habit frequently of dining at Lord Berkeley's table?—Very frequently.

When that lady was present?—Yes.

Taking several meals there from the intimacy that subsisted?—Yes, I slept in the house sometimes in the country, not in town.

Which house?—At Cranford and Berkeley.

And during those visits all the persons in the family---all the servants in the family---mentioned her as Miss Tudor?---I question whether I ever said plump Miss Tudor, I said Ma'am. I understood she had always gone by that name.

When the lady was not herself present and you had occasion to speak of her, by her name, did not you and all others speak of her by the name of Miss Tudor?---Yes.

In what respect was it there was any treatment of this lady which indicated her being treated by Lord Berkeley as his wife?---Having the sole management of the house. Not only that, but the care of his estates, and the letting of lands and other things. I took rides with Lady Berkeley round the country, and she seemed to have the management of the whole estate about Berkeley Castle. It was from that I judged.

Lady Berkeley had a considerable degree of ascendancy and controul over the affairs of Lord Berkeley?---Yes, she had.

Lord Berkeley paid a great deal of respect to and acquiesced in her advice in his concerns?---In every point.

That existed during all the time you knew them live together?---I cannot say all the time, for during the beginning of my acquaintance with Lady Berkeley I did not know what to make of her.

By degrees you observed that ascendancy and controul of Lady Berkeley to make considerable progress?---Yes, and it was very complete in respect of her government of every thing.

And has been very complete in her government over the conduct of Lord Berkeley?---Yes, in every respect.

You mention this circumstance to have passed at Weymouth in the year 1797?---I think in the year 1797, but I have no memorandum of the time.

Prior to Lord Berkeley's having introduced Lady Berke-

had you been at Weymouth acquainted with them there ?
—No, I believe that was my first visit at Weymouth to Lord Berkeley ; I was then stationed at the Isle of Jersey, and came over to pass some weeks with them.

You had not been visiting then at Weymouth in that year or at that time prior to the introduction ?—Let me understand the question.

You state that Lord Berkeley introduced Lady Berkeley to you as such at Weymouth in the year 1797 ; had you been visiting them at Weymouth before that time ?—I think that was my first visit ; I was twice at Weymouth with him.

Were the royal family there ?—Yes, they were.

Do you remember prior to that time any fête being given by the royal family at Weymouth ?—No, not by the royal family.

Given by Lord Berkeley to the royal family ?—To the prince of Wales, not to the royal family.

Was that prior to the introduction of Lady Berkeley to you as Lady Berkeley ?—Upon my word I believe it was about the time ; I really think it was upon the same visit I made to Lord Berkeley ; but I cannot remember whether it was before or after, nor I do not know how I should be able to discover.

How long had you been acquainted with Mrs. Bell before you introduced her to Lady Berkeley ?—I may say almost from her infancy ; she is my cousin-german.

She is the sister of Mr. Hamilton the painter ?—Yes, she was, of the late Mr. Hamilton.

Had she been in the course, before she married Mr. Bell, of painting pictures in the exhibition ?—No, I never knew her paint, or have any thing to do with painting till after her marriage, only a little daubing she picked up from her mother. After her marriage her husband fancied she had an uncommon genius for painting, and she studied it very much.

She had been in the habit of painting for some years before you introduced her to Lady Berkeley ?—Yes, she had, for her amusement ; I never considered it in any other light.

In that way it was you introduced her to Lady Berkeley ?
Yes.

At Cranford?—I remember two.

At Cranford or her own house?—At her own house.

Did she paint any at Cranford?—I think I can say positively she painted more there.

She used to be living at Berkeley for weeks together, did she not?—On account of the intimacy, Mr. Bell purchased an estate there, a small cottage.

Did Mrs. Bell used to be living at Lord Berkeley's for some weeks together?—No; I never heard of weeks, but for two or three nights together.

Not longer than a few nights?—No; I do not know of more than that, but I was much out of England, and only occasionally visited Lord Berkeley on my return; my station was in Jersey and then in Ireland.

After the year 1780 you were stationed abroad, and had not so much opportunity of seeing Lord B?—No; only every other year I used to get six months leave of absence, and used to pass it with Lord Berkeley either at Berkeley or Cranford in shooting.

Then you cannot state what passed with Mrs. Bell at Cranford, when you were absent abroad?—No; I only know what passed when I was in England.

You say Mrs. Bell was your cousin-german?—Yes.

Would you have introduced Mrs. Bell to any person you thought discreditable to her?—No, I did not think it discreditable; I think I stated it to her my doubts of the marriage. It is a delicate thing to say exactly what I thought upon that occasion, but I had no certainty, no proof of a marriage, but a presumption, in my own mind, that some sort of marriage had passed.

Was Mrs. Bell in the habit of cleaning pictures?—Never of cleaning pictures; I do not understand about her cleaning pictures; I recollect pictures being cleaned at Berkeley; the pictures were in a very bad state, and she advised Lord Berkeley to have the pictures put in proper order.

You have said that it was a considerable time prior to 1797 that you remember when you observed, that it was painful to you to call that Lady Miss Tudor, Lord Berkeley's saying you would hear more of it at some time; can you recollect how long prior to 1797 that was?—I cannot; it was in private conversations. I fancy it might have had

this—"While Lord Berkeley chose to call her Miss Tudor, she could not be considered in any other light than his mistress, and as such I always thought her?"—Why, I cannot say otherwise; being called Miss Tudor, I could not suppose she was a married woman at that time, I mean I could not be very certain of it; I only knew there was a secret between them, and they have frequently told me there were reasons why there was a secret.

Were not those words such as you have very lately said upon this subject?—Why, yes; I really think they are.

Did you remonstrate with Lord Berkeley on continuing the name of Miss Tudor to Lady Berkeley?—After the introduction to me, I expressed my astonishment at his having so long kept her in that rank in that line.

After what introduction?—After his introduction of her to me as the countess of Berkeley in 1797.

Before that did you ever remonstrate on his continuing to call her Miss Tudor?—I did not remonstrate; I could not presume to remonstrate with Lord Berkeley on that subject.

At what time did you come from the West Indies?—In the year 1780.

Were you intimate with Lord Berkeley at that time?—I knew him exceedingly well at that time, but I did not visit him much at his own house at that time; I have been at Cranford with him.

Do you recollect Mrs. Bailey living at Cranford?—I recollect Mrs. Bailey; but I never was at Cranford with her.

Did you never dine with Lord Berkeley in Mrs. Bailey's company?—Never.

In the course of your life, have not you frequently dined with ladies, who, though not married, were living with some of your acquaintances?—No, I never did, if they were not married.

Did you never dine with a gentleman and his mistress?—I have many times, certainly.

On those occasions have you not observed that those ladies were treated with the same respect that Lord Berkeley treated Miss Tudor?—No; there was a sort of language with those ladies very different that I would use myself; and other persons would use a freedom of talk I would never have introduced in the presence of Lady Berkeley.

You came from Jersey to Weymouth?—Yes.

Was it immediately upon your arrival at Weymouth from Jersey that the introduction took place?—I believe it must have been the first or second morning, when we were at breakfast and conversed at the room in Lord Berkeley's private parlour, and he.

How long did you stay at Weymouth?—I believe two or three weeks.

Did you remember a letter at Weymouth at which the king was present?—I believe the letter came there. No, I do not remember any letter at which the king was present.

Was the king there at that time?—The king was there at that time.

Did you know that Lord Berkeley ever introduced his letter to the king at Lord Dorsey's?—I never what was told by Lord Berkeley on that subject. He told me what passed on that subject; for I had heard that he had said something to the king, which in some degree contradicted the passages. I asked him, "Pray my Lord, what was it that passed?" He said, "The king asked me which of the sons I should call Lord Dorsey;" the question was to that purpose. His answer, he told me, was, "Your majesty shall know that at the proper time."

Had you any further conversation with Lord Berkeley on that subject?—I often told that story to Lord Berkeley since, I oftentimes told him what I had heard upon that subject.

What did Lord Berkeley say upon the occasions, when you reminded him of this story?—Only what I have now mentioned.

He always said the same?—Yes; I never heard him contradict that he said his answer was, "Your majesty shall know that at the proper time."

You lived at Weymouth some time?—With Lord Berkeley in his own house.

Was there any distinction among the children at that time?—None, there never was; there never was an idea of a distinction.

At what time did Lord Berkeley first tell you what this

In what month in the year 1797 were you at Weymouth?
 ---I think the month of August; but I am not very positive.

You had heard of this conversation with the king, before Lord Berkeley had told you of it?---I had; I had certainly heard there was a conversation.

And the conversation between you and Lord Berkeley was begun by you?---Telling him what I had heard.

To which he made the reply you have stated?---Yes, to put me to rights as to what he had stated.

Are you a married man?---I was not then; I am lately.

What did you mean by the controul of Lady Berkeley over the conduct of Lord Berkeley, being very complete in every respect?---I mean that Lord Berkeley shewed an indifference about his affairs, and trusted every thing to Lady Berkeley.

That was not the case when you first knew him?---No, I have observed not exactly at first, I had not an opportunity at first of knowing how they went on; perhaps it was a couple of years before I visited them at Berkeley castle and at Cranford.

How many years was it before you observed this controul of which you spoke, after you were acquainted with them, living together?---I should think perhaps a year or two; on my coming home and visiting at Berkeley castle and Cranford, I saw that she had totally the government of his household affairs, and likewise his concerns.

Was Lady Berkeley at Berkeley castle within a year or two of her first acquaintance with his Lordship?---Yes, I think so; I was several times at Berkeley castle, but I never was at Berkeley castle till I saw her there.

Did Lord Berkeley tell you in what year this conversation took place with the king at Weymouth?---I have said that I really think it took place at that very time that he introduced Lady Berkeley to me as countess of Berkeley; I am not certain it happened at that time, it might be the year after, but I think it happened at the time, not a fortnight or ten days after.

Are you sure it did not happen the year before?---I cannot think it did, because I was not there, I am really doubtful as to the exact time of that.

Do you remember the king driving

Lord Berkeley

You came from Jersey to Weymouth ?—Yes.

Was it immediately upon your arrival at Weymouth from Jersey that this introduction took place ?—I believe it must have been the first or second morning, when we were at breakfast, and nobody in the room but Lord Berkeley, the present countess, and me.

How long did you stay at Weymouth ?—I believe two or three weeks.

Do you remember a fête at Weymouth, at which the king was present ?—The fête did not take place then. No, I do not remember any fête at which the king was present.

Was the king there at that time ?—The king was there at that time.

Do you know that Lord Berkeley ever introduced his fourth son to the king as Lord Dursley ?—I heard what was said by Lord Berkeley on that subject. He told me what passed on that subject ; for I had heard that he had said something to the king, which in some degree contradicted the marriage. I asked him, “ Pray my Lord, what was it that passed ? ” he said, “ The king asked me which of the sons I should call Lord Dursley ; ” the question was to that purpose. His answer, he told me, was, “ Your majesty shall know that at the proper time.”

Had you any further conversation with Lord Berkeley on that subject ?—I often told that story to Lord Berkeley since, I oftentimes told him what I had heard upon that subject.

What did Lord Berkeley say upon the occasions, when you reminded him of this story ?—Only what I have now mentioned.

He always said the same ?—Yes ; I never heard him contradict that he said his answer was, “ Your majesty shall know that at the proper time.”

You lived at Weymouth some time ?—With Lord Berkeley in his own house.

Was there any distinction among the children at that time ?—None, there never was ; there never was an idea of a distinction.

At what time did Lord Berkeley first tell you what this conversation was with the king ?—I think it was very soon after, during my stay at Weymouth, that he told me this had happened ; for immediately upon my taking care the

In what month in the year 1797 were you at Weymouth?
 --I think the month of August ; but I am not very positive.

You had heard of this conversation with the king, before Lord Berkeley had told you of it?--I had ; I had certainly heard there was a conversation.

And the conversation between you and Lord Berkeley was begun by you?--Telling him what I had heard.

To which he made the reply you have stated?--Yes, to put me to rights as to what he had stated.

Are you a married man?--I was not then ; I am lately.

What did you mean by the controul of Lady Berkeley over the conduct of Lord Berkeley, being very complete in every respect?--I mean that Lord Berkeley shewed an indifference about his affairs, and trusted every thing to Lady Berkeley.

That was not the case when you first knew him?--No, I have observed not exactly at first, I had not an opportunity at first of knowing how they went on ; perhaps it was a couple of years before I visited them at Berkeley castle and at Cranford.

How many years was it before you observed this controul of which you spoke, after you were acquainted with them, living together?--I should think perhaps a year or two ; on my coming home and visiting at Berkeley castle and Cranford, I saw that she had totally the government of his household affairs, and likewise his concerns.

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Are you sure it did not happen the year before?--I cannot think it did, because I was not there, I am really doubtful as to the exact time of that.

What year did the king drink tea in Lord Berkeley's tent?—I really cannot say, I was not there.

You are certain Lord Berkeley never mentioned to you, that what he had said to the king was, that he was sorry it was not the eldest son that would be heir to his title?—No, what I have said now, is a thing I have mentioned a hundred times to my own acquaintance.

Are you certain Lord Berkeley has never told you that his reply to the king was, that he was sorry it was not his eldest son who would be heir to his title?—I never heard that from his Lordship.

Did Lady Berkeley ever tell you, prior to the year 1797, that she was married to Lord Berkeley?—I do not say she has positively told me so; but there were hints thrown out about it with respect to the children, what I considered as hints of a marriage, but she never said to me that she was married.

When you arrived in the year 1797 at Weymouth, how were you introduced upon your arrival to Lady Berkeley?—The same as I have been accustomed to on former occasions.

When you arrived at Weymouth was the present claimant then going by the name of Lord Dursley?—Not when I arrived; he was called Fitz; he was a Younker, quite a boy.

When did you first hear the present claimant called Lord Dursley?—From the time of Lord Berkeley's introduction of that Lady to me as Countess of Berkeley; I always called her Lady Berkeley, and the Younker Lord Dursley.

Are you to be understood to say it was either the first or second day that Lord Berkeley introduced Miss Tudor to you as Lady Berkeley?—Yes, I believe it was the first or second day after my arrival.

After that time did Lord Berkeley invariably call Lady Berkeley by that title, and the eldest son Lord Dursley?—No, she went by the name of Miss Tudor for a year, or a couple of years afterwards; it seemed to be a matter of total indifference to her, whether she was called Lady Berkeley or not.

After that introduction you have before stated, Lady Berkeley did not go by the name of Lady Berkeley?—She did not for a considerable time after; she went by the name of Miss Tudor after her introduction to me.

going by that name; but when I found that she went by that name after her introduction to me, I did not think much more of it.

Did you not say that after that introduction, you stated to the Prince that Lord Berkeley had declared his marriage to you?---I did.

Did you after that, ever dine at Lord Berkeley's in company with the Prince?---I had the honour of dining with the Prince at Lord Berkeley's; but upon my word I cannot call to my recollection exactly when it was that I dined with the Prince; it must have been after the introduction I rather think, but my memory does not serve me.

Are you to be understood that the first information given to the Prince of the marriage was from you?---Positively; I think I may venture positively to say to Lord Berkeley, that I was the first he ever introduced her to as Countess.

Do you mean that Lady Berkeley's controul over Lord Berkeley was a controul over his affairs merely, or a controul over his will?---No, I do not mean a controul over his will; but merely a controul, a power granted to her by him.

Do you remember a Curricie in which the present Lady Berkeley drove out at Weymouth in 1797?---I do.

Were the servants who attended that carriage dressed in the liveries of the family?---Yes, the Pompadour.

There was no distinction as to the carriages of Lord and Lady Berkeley, as to the liveries?---No, there was not, because I frequently attended her, and drove out in a Barouche, I think it was.

She attended the Reviews in a Barouche?---Yes.

Do you remember being present at any of the Reviews at which the King was present?---Yes.

And was she then in her carriage with the liveries of the family?---Yes, and I have passed the Royal Family in the Barouche with her.

Were any of the children ever noticed by His Majesty?---No, I never saw them noticed at all.

But they were in the Barouche with the liveries of the family?---Yes.

When you were originally introduced to Lady Berkeley, by what name were you introduced to her?---Miss Tudor.

When you introduced her to Mrs. Bell, by what name did you introduce her?---By the name of Mrs. Bell, by Tudor, but ex-

You did not introduce her as Countess of Berkeley, but introduced her by the name of Miss Tudor, expressing a suspicion that there was a marriage?---Yes, because she went by no other name.

When Lord Berkeley introduced Lady Berkeley to you in the year 1797, he also gave you to understand that he had been married eleven or twelve years before?---He did.

And he gave you leave to mention the circumstances of his marriage to others?---Yes, he did.

Did he also give you leave to mention to others, that he had been married eleven or twelve years before?---He did : and I did mention that I said to him, " Now am I to understand your eldest son is legitimate?" " Yes, you are."

And that you might communicate that circumstance, as well as the fact of his marriage?---Yes.

Did you communicate to the Prince of Wales that he had been married eleven or twelve years before?---Yes; and that he had declared to me the legitimacy of his eldest son.

Was there any other carriage belonging to Lord Berkeley used by any part of his family, attended by servants not in their livery?---I do not recollect it.

The controul of Lady Berkeley over Lord Berkeley, did you mean to confine to his affairs; or that her advice had considerable influence with him in all his affairs?---I really think it had.

Was not the King in the habit of taking notice of ladies and children at Weymouth at that time?---That I have seen several times.

But you never saw him take notice of Lord Berkeley's children?---No.

Was there any other person, except the Prince of Wales, to whom you communicated the fact of Lord Berkeley's having told you, that he had been married eleven or twelve years before?---I mentioned it to every acquaintance I had at Weymouth.

Mention any person to whom you mentioned it.---Sir William and Lady Pitt, Sir David Dundas was resident there, and Colonel Addenbrooke, my particular friend, and several others.

Did you, in consequence of being allowed to mention this to any body, not make any observation afterwards, when you heard her called Miss Tudor; did it not appear an ex-

tinued to be called Miss Tudor?—I have certainly made observations to Lord Berkeley; but he said there were reasons why he did not ever then wish to have it publicly known. It was a very odd case, I thought; but the matter went on. I never called her any name but Countess of Berkeley after that; nor when I spoke of the eldest son, did I ever speak of him by any other name than Lord Dursley; but I really think she went by the name of Miss Tudor subsequent to that for some time.

The answer was read over to the witness.

I hope there is nothing wrong in that.

When you told the Prince of Wales of the marriage, did you tell him how long before the marriage had taken place?—I certainly told him the eldest son was legitimate; that was the great point. I should not have thought it worthy of notice, had it not been for the legitimacy of his son.

At the time you told the Prince of Wales of the marriage, you told him the eldest son was legitimate?—That was the great point I requested permission to mention, and he gave me permission to mention that.

Did you communicate the same thing to Sir David Dundas?—I really believe I did. I was frequently with Sir David Dundas at that time. I mentioned it to every person I was then acquainted with.

To every person to whom you communicated the marriage, you stated, that you believed the marriage had taken place prior to the birth of the eldest son?—Yes, according to Lord Berkeley's statement to me.

Where were you in 1785?—I was then Aid-de-Camp to Sir William Pitt, in Ireland.

When did you hear of a second marriage?—I did not hear of the second marriage for a full year after the introduction of the Countess to me by that title.

You have heard of a second marriage?—Yes.

Had you any conversation with Lord Berkeley on the subject of that second marriage?—Yes, I had.

Prior to 1799?—Yes.

State what passed between Lord Berkeley and you on that subject?—It was the Earl of Uxbridge had told me of the second marriage; I did not believe it; upon which I went immediately from Lord Uxbridge's house to Spring Gardens and told Lord Berkeley we had heard a very

to a Miss Cole, spinster." Says I, "Is it true?" he said, "It is very true." It surprized me very much to hear of a second marriage. His only answer was, "There is no law against a man marrying as often as he pleases." Says I, "My Lord, I know of no law against it;" that was the substance of what passed between us.

Nothing more passed?---No, I do not recollect any thing passing; it struck me very much, Lord Berkeley saying there was no law against a man marrying as often as he pleased; I said, "I knew no law against it."

Nothing passed on the subject of the first marriage?---No; I was very much attached to the boy and to the family, and I was delighted with his being married the first time; and there can be no doubt I said, I should be very sorry to hear any thing against the first marriage; his reply was, "I hope you do not doubt my knowing what I am about;" those were the exact words he used, for they impressed me.

Do you mean by that, that hearing of the second marriage, had occasioned some suspicion in your mind as to the first?---I confess it was so; it actually occasioned a suspicion as to the first.

And you stated that suspicion to Lord Berkeley?---Yes; and his answer was that which I have stated.

What was the exact answer that Lord Berkeley made to you, when you stated to him the suspicion this created as to the first marriage?---Upon my mentioning the doubts it would cause as to the first marriage, he said, "I hope you do not doubt, I know what I am about." That stopped my mouth; I said no more upon the subject.

Did he re-assert that he had been married before?---Positively, and in any conversation I had with him after that.

Can you state the time you first heard of the second marriage?---It must have been the year after.

The year after what?---The year after the introduction I had at Weymouth.

Was it before the enquiry in this House in the year 1799?---Prior to that a great while.

You are understood to say, that in 1797 Lord Berkeley said there were reasons for not acknowledging his marriage?---I said so.

said, " I wish to know the reasons ;" but I never discovered them.

Did you ever say so?—I cannot say positively.

Did you hear from Lord Berkelev where the marriage took place?—Yes; I have heard Lord Berkeley talk of it since.

When Lord Berkeley first mentioned to you that he had been married ten or twelve years before, did he tell you where he had been married?—He told me he had been married at Berkeley Castle.

Did he then tell you by whom he had been married?—I do not think he did.

Did you know Mr. Hupsman?—Yes; seeing him at table, dining with him; no more than that.

Did you ever hear Lord Berkeley mention Mr. Hupsman as concerned in the marriage?—Yes; after she took the title of Countess.

Was that before the year 1799?—Yes.

Was there any conversation passed between you and Lord Berkeley in 1797 about Mr. Hupsman?—He certainly mentioned to me the marriage at Berkeley Castle.

Lord Berkeley did not tell you any thing respecting the suppression of the knowledge of that marriage?—Never; he never told me a word about it.

You did not ask any question to lead to that?—No, I never did; it was enough I was satisfied that he was convinced of the business being all just and fair; therefore I did not ask any further about it.

Did Lady Berkeley, in the hints she gave you from time to time, intimate that her marriage was at Berkeley?—My memory does not exactly serve me, but I rather think she did prior to that.

Did you ever hear Lady Berkeley speak of Mr. Hupsman?—I dare say I have, but nothing of any consequence.

You never understood from Lord or Lady Berkeley, that they considered themselves interested in the life of Mr. Hupsman?—I never heard any thing relative to their being interested in it at all.

Did you ever hear them express any satisfaction or concern upon Mr. Hupsman's death?—Never.

Did you, before the inquiry in this House in the year 1799, ever hear of the circumstance of the register of the marriage?

You say that the marriage was said to be at Berkeley Castle?--What I heard of the marriage was at Berkeley Castle.

Do you mean Berkeley Castle or the church?--Berkeley church, of course, which is close to the Castle. I knew nothing more about it, but only the conversation on that subject.

Do you know whether Lord and Lady Berkeley had not a quarrel with Mr. Hupsman before his death?--I never heard of a quarrel with Mr. Hupsman.

You had always understood Mr. Hupsman to have been on the same terms of intimacy with them till his death?--I paid so little attention to Mr. Hupsman, that I cannot say whether he was intimate or not. I have seen him at dinner. I cannot say whether they were intimate, or not intimate.

Have you heard them talk of Mr. Hupsman?--Many times.

Had you always heard them talk of Mr. Hupsman with the same respect till the time of his death?--My memory does not serve me that I have heard any complaint against him.

Do you recollect when Lord Berkeley introduced you at Weymouth, in the year 1797, to Miss Tudor as Lady Berkeley, whether he then told you of there being more than one marriage?--Never a word of the second marriage. I did not know of the second marriage for a twelvemonth after, or a considerable time after. He did not say any thing of a second marriage to me.

Did you, when you mentioned to the Prince Regent the marriage of Lord Berkeley, tell him that his marriage had taken place ten or twelve years before?--I did; and that his eldest son was legitimate. I believe that is what I have already said.

Do you recollect when you first heard of the discovery of the register of the marriage?--Upon my word, I know so little about that business, being then at my military station.

Did you hear of it from Lord Berkeley?--I heard of it, but my memory does not serve me how or from whom.

Did you hear of it from Lord Berkeley?--I do not recollect Lord Berkeley telling me, or writing to me, about it.

Did you hear Lord Berkeley speak of the register after it was found?--I heard of what was going on, but not, I think, from Lord Berkeley.

have met him at dinner, but I thought him that sort of trifling character, who was suffered to dine there more than any thing else. I never considered him a companion of Lord Berkeley's.

He dined with him often?---Yes, when there was no company; but I never met with him there when there was company. I keep up my acquaintance with him, and speak to him when I meet him.

You were company yourself?---I looked upon myself as a person who came and went as I chose.

And Mr. Chapeau came and went when he chose?---Yes, when they were down at Cranford; he lived in the neighbourhood, and was received at the table.

Are you acquainted with the hand-writing of the present Lord Berkeley?---I am acquainted with it because I have received several letters from him.

From the claimant?---I have received several letters from him.

Sufficiently to know his signature?---Yes.

Look at that paper, and say whether it is his hand-writing? (*shewing the signature to a letter.*)---He writes to me in such a way nobody can read his name. I will shew you his name if you please upon a letter I have in my pocket; I did not know he could write so well as this; I could not at all declare that that was his hand-writing.

The Witness was directed to withdraw.

MARY CUNNINGHAM, who had acted as a sempstress to Lady Berkeley, deposed, that her Ladyship was first called in general Lady Berkeley the latter part of 1797; but some time before, while the new servants gave her that title, the old ones continued the name she had usually gone by. This witness deposed, that none of her Lady's linen was ever marked with a T.

The deposition of the next witness, SARAH SHRUBB, went to prove, that from the commencement of nineteen years, during which she kept the White Hart at Benson, though the servants were in the habit of calling at her house, she never heard the name of Tudor till she saw it in the papers. This witness had previously lived in the Berkeley family.

ley speak of her by the name of Tudor, during the same period of nineteen years.

MARY RICHARDS, whose father kept the Crown and Thistle Inn, at Abingdon, made a similar deposition.

SARAH CHAPMAN, who went into the family as a sempstress, in 1795, deposed, that Lady Berkeley's linen, some handkerchiefs excepted, was not marked, but numbered, at that period. She never knew of any directions for taking the linen away when the family left the Castle.

MARY WILLIAMS, living at Wooton-under-Edge, was asked, whether she recollected Lady Berkeley going to live with a Mrs. Foote, and whether she saw her at Gloucester after that circumstance? To which she answered, yes, and recollected her being ill at Mrs. Farren's, the corner of Bell-lane; the witness having been several times at the house. She added, that late one evening, in the summer of 1785, she saw Lord Berkeley come out of Mr. Farren's house in the Bell-lane.

Being asked whether she had been examined by any gentleman who opposed Lord Berkeley's claim? she replied, I have, by Mr. Griffith.

Being cross-examined, she was asked, when was it you were examined on this subject?—I was examined at Bournfield, near Wooton-under-Edge.

How long ago?—I believe it was as much as five weeks; I cannot exactly say.

Did he put down in writing what you said?—Yes; but he told me that I was the confidante of Lady Berkeley, which I never was; and it put me into such a taking that I did not know what I said.

Did he read over to you what he had written?—I cannot recollect, but I do not believe he did; he went out of the house in a very great passion.

Do you mean that you cannot recollect what passed five weeks ago?—I cannot recollect whether he read it over to me; he put down what I said.

Did you at any time afterwards tell him that you had recollected a circumstance which you had omitted, when you were talking to him about it?—Yes, I believe I did.

When was it?—It was not Mr. Griffith examined me, it was Mr. Whitcombe.

When was it?—Three weeks ago, I believe it will be next Monday.

That you then told him of having omitted this circumstance, do you mean to say that?—That I told him every thing I could recollect.

Did you, on seeing Mr. Whitcombe, mention that you had forgotten to mention the circumstance of seeing Lord Berkeley at Farren's house in the summer of 1785?—No; I did not tell him any thing about it.

You were examined by Mr. Griffith and then by Mr. Whitcombe?—Yes.

The first was five weeks ago, and the second was three weeks ago?—Yes.

Did you, at either of those times, mention the circumstance of having seen Lord Berkeley come out of Farren's house in the summer of 1785?—No, I did not; I thought of it before and after, but not at that time.

Before and after which times, for there was an interval of a fortnight between the examinations?—I did not mention it then; it did not occur to me when I was either with Mr. Whitcombe or Mr. Griffith.

Had you recollected it before Mr. Griffith spoke to you?—Yes; I knowed it when I saw him.

Had you mentioned that circumstance to anybody before Mr. Griffith examined you?—No, I had not.

Had you, at any time after it happened from the year 1785, ever mentioned it to any one before Mr. Griffith spoke to you?—I cannot say that I had, it is so many years ago.

Do you remember that you had?—No, I cannot say that I did.

How do you know that you yourself thought of this circumstance of seeing Lord Berkeley at Farren's house, before Mr. Griffith spoke to you on the subject?—It came in my mind that I knew and recollected it perfectly well.

Before Mr. Griffith spoke to you about it?—Yes, but I did not recollect it then.

Did it come into your mind again after Mr. Griffith had examined you, and before Mr. Whitcombe examined you?

—No, I did not think of it again.

Did not it occur to

the interval of a

fortnight?---I thought of it between the two times, but I did not think of it when Mr. Whitcombe examined me.

You thought of it frequently between the two times?---No, not frequently, but I thought of it.

Did you think of it more than once during that interval?---I thought of it, but I did not think of it when Mr. Whitcombe examined me.

You did think of it between the two times?---Yes, I did, but I did not think of it when he examined me.

How often did you think of it between the time of your being examined by Mr. Griffith, and the time of your being examined by Mr. Whitcombe?---Indeed I cannot tell.

In the interval did you mention it to anybody?---No, I do not know that I did.

You thought of it before Mr. Griffith examined you, and after he examined you it occurred to you again?---It did not come into my mind when Mr. Whitcombe examined me; and when Mr. Griffith examined me, he agitated me so much, I did not think of it.

Did Mr. Whitcombe agitate you very much too?---No, he behaved very well; like a gentleman to me.

How came you not to mention it then?---I did not think of it then.

Was there any reason to put it out of your mind then?---No, I had no reason.

Have you seen Lady Berkeley?---No, I have not.

When did you first mention this to anybody who examined you on the part of the claimant?---To Mr. Frere.

Where?---To Mr. Frere; I told him of it when I was going back to Gloucester; they had taken the coach for us.

How long ago was it you mentioned it to Mr. Frere?---I believe I was examined a fortnight ago on Friday.

That was after you were examined by Mr. Whitcombe?---Yes; I was going back to Gloucester, and should have went if I had not been sent for by the other party. Mr. Griffiths' party had taken the coach for me to go; they gave me a discharge.

Did you go to Mr. Frere or did he come to you?---I was sent for by a relation of mine, Mr. Wilson, an attorney of Gloucester; he said he thought I was wanted by the other

Did you mention to Mr. Frere as soon as you came there this circumstance of seeing Lord Berkeley come out of Farren's house?—Yes, I mentioned it the day he examined me.

Did you mention it to him the first time he examined you? — Yes, I did.

Did he put any question to you about seeing Lord Berkeley at Farren's house, or did you mention it yourself?—He asked me whether I had ever seen Lord Berkeley at Farren's house, in the Westgate Street, I told him I had not; but I had seen him in the Bell Lane, on a summer evening in 1785, coming out late in the evening.

Was that the first time of your mentioning the circumstance to any body?—I do not recollect any body that I told it to, except Mr. Frere.

How long was it when you told Mr. Frere, after you had been examined by Mr. Whitcombe?—I was discharged on the Thursday, and this was on the next day.

The next day after you were discharged you went and told this circumstance to Mr. Frere?—Yes.

You recollected it immediately on seeing Mr. Frere?—No, I did not on seeing Mr. Frere; I recollected it after I was come on the other party, to recollect what I could on the business.

What was it you said about recollecting; did you not drop, "That you recollected it for the other party?"—Yes, I recollected as well as I could.

Did you not drop the words "To sum up what I could recollect for the other party?"—To recollect what I could for Lady Berkeley.

Did you not say, "To sum up what you could recollect for the other party?"—I believe I did.

Did you use the word "Sum up?"—Upon my word I cannot tell.

Before you mentioned it to Mr. Frere, I understand you to say you do not remember any person to whom you ever mentioned it?—No, I do not.

From the time it happened in the year 1785, down to about a fortnight ago, you never mentioned the circumstance to any body whatever that you can remember?—I dare say I might mention it, but I cannot say to whom. I did not mention it.

did mention it to anybody ?--- Yes, I can safely swear I did mention it to somebody ; but I cannot say to whom.

Upon what occasion did you mention it to anybody ?---If I did at all, it was talking about Lord Berkeley and Lady Berkeley.

When was there any occasion when you were talking about Lord and Lady Berkeley ?---Indeed I cannot tell.

How long ago ?---I have talked often about her, since she has been at the Castle.

Can you now fix any time in the course of your life since 1785, that you mentioned this to any person before a fortnight ago ?---No ; I did not mention it to any person that I can tell ; I dare say, I did mention it.

What time of the day was it you saw Lord Berkeley come out ?---It might be as much as eleven o'clock ; it was on a summer evening.

Eleven o'clock at night ?---Yes.

Were you alone ?---I lived in the Bell Lane, and I went over to Mrs. Farren's, to see for Mrs. Cole to come to my house ; I had a child very ill at the time, for her to come to it ; and I saw him come out of the house as I went in.

When you went into the house, did you find any of the family up ?---I did not go in any further than just to the door ; Mrs. Cole came over to me.

Was Mrs. Cole up when you went to the house ?---Yes ; she came out directly.

She was dressed and up ?---Yes ; she had her things on, and came over with me.

Was Mrs. Cole at that time living in Farren's house ?---Yes ; she slept as often at my house as she did at Farren's.

Was she living an inmate in Farren's house in Southgate Street at that time ?---Yes ; she was there.

Were her daughters living there with her ?---Mrs. Farren and Lady Berkeley were there.

Were either of them up ?---I cannot tell ; I did not go into the house ; I cannot say whether they were up or not.

Cannot you say, whether there appeared to be any other persons up in the house ?---I cannot say whether they were up, for she went away with me directly ; I lived in the lane just opposite.

Was it dark ?---It was not very dark, nor very light ; it was a summer evening.

Lord Berkeley came very near to you?--He came out of the house; he did not come near to me.

Did he see you?--I cannot tell.

Was he near enough to see you?--I was near enough to see him; I knew him.

How near were you to him?--He was just coming out of the door as I went in.

Did he know you before?--I had known him with the regiment at Gloucester, and I have been very often at the house of Mrs. Mears, the mother of Mrs. Lumley, who is here; and I have let him in there many times, and given him answers.

How was he dressed?--In his regimentals.

You are sure of that?--Yes.

What were his regimentals?--I knew his regimental clothes; I have seen him scores of times with them; but I cannot say as to his clothes exactly, I did not take so much notice of them.

Do you know what month it was in?--I cannot say what month, it was in the summer of 1785.

Do you remember the militia being out in that year?--No, I do not.

Were there any other officers of the militia in the town besides Lord Berkeley at that time?--I cannot tell, there might be; I cannot tell about them.

You were living at that time in the city of Gloucester?--Yes.

Do you remember about the same time seeing any of the officers or serjeants assembled in the town at the time you saw Lord Berkeley?--The serjeants, corporals, and fifes were always kept embodied all the year round.

Do you remember seeing them in their regimentals about that time?--I dare say I might have seen them, for they were there and in their regimentals all the time, especially on Sundays.

Was it on a Sunday you saw Lord Berkeley?--I should rather think it was not.

Did you mention to Mrs. Cole that you had seen Lord Berkeley come out of the house?--I do not recollect saying any thing to her, but I thought it very odd.

As you thought it very odd, did not you say something to her about it?--I did not say anything to her.

You knew that Mary Cole was at that time in Farren's house?--Yes, I have seen her there in those months.

Did you know that she was married or not then?--No, I did not know about her being married.

You conceive her not to be married?--No, I did not know about her being married.

Did not you think it a thing fit to be mentioned to the mother, that Lord Berkeley was coming out, at that time of the night, of the house where her unmarried daughter was? --I might mention it, or might not, I cannot recollect.

Having seen Lord Berkeley come out of that house, a butcher's house?--No, not a butcher's house; he kept no butcher's shop there.

It was a small house at the corner of Bell Lane?--Yes.

There was no shop Lord Berkeley could have gone to at that time of the night?--No.

Did not you ask Mrs. Cole what his Lordship was doing there at that time of the night?--I might tell her of it or might not, it is out of my power to recollect.

You do not remember whether you did tell her of it?--No, I might or might not, I cannot say.

The next time you saw Mrs. Farren did you mention it to her?--I do not know that I mentioned it to any of them.

Did not you mention to any of them, "What was this Noble Lord doing at your house at this time of night?"--I do not know that I said any thing to her about it one way or the other.

Did Mrs. Cole, when she came over to your house, remain with you for some time after that?--She might go backwards and forwards, or go the next morning; sometimes she slept at my house, and sometimes at Farren's.

Did you continue to see her daily for some time after that?--I saw her sometimes; I might go in there once or twice a week, and sometimes I did not go so often.

You lived very near where she was living?--I did.

Did you continue to see her almost every day?--Not every day; I did not; but I very often saw her.

Did you see Mary Cole the next day?--I cannot say that I did.

Were you in the habit of frequently seeing her afterwards?--Oh yes, many times I saw her.

Did you see Mr. Farren?—Yes, I saw Mr. Farren every day.

Was there anybody else living in Farren's house at that time besides Farren and his wife, Mary Cole and the mother?—Not that I know of; I never saw any person there for a continuance; there was a person of the name of Miller used to be there, but whether she ever slept there I cannot tell.

Did you not say, that very soon after this you went into some other business?—I went in September to the Bear Inn; I went about a house very soon after to the Place of Passage at Newnham, but we did not take to it.

You went to look after a place, but you did not leave Bell Lane till the September following?—No.

You continued therefore a near neighbour of Mr. Farren till then?—Yes, I did.

And you were in the almost daily habit of seeing every person that lived in that house?—Yes, when I went over there; because their house was at the top of the street, and mine at the bottom.

Did not they come to you, or you come to them, almost every day?—Not almost every day, but once or twice a week or so I used to go over to them.

Will you now say that you did, to any one member of that family, mention that circumstance at the time, or afterwards, of your having seen Lord Berkeley come out of the house at eleven at night?—I will not take upon me to say it.

Did it not strike you as an extraordinary circumstance, seeing a nobleman come out of the house at that time of night?—Yes, I recollect thinking of it at the time.

Did it not create suspicions in your mind, that he had some improper purpose for being at that house?—I thought it was very odd for him to be there at that time.

You recollected at the time the circumstance of a very young person that was in the house, an unmarried young woman in the house?—I do not recollect who was in the house; I never went into the house.

You knew Mary Cole was there?—She was there, I supposed, and Mrs. Farren was there.

Did it not excite a suspicion in your mind that Lord Berkeley was not that young

house?—I cannot tell what he went for, but I saw him come out.

Did it not, as a prudent woman, strike you at the time?—It did at the time; I wondered what brought him there.

Did it not create suspicions in your mind that he came there for the purpose of visiting some of the females of the family?—I dare say I thought so at the time.

Did you not mention it to the mother and sister at the time?—I might mention it to the mother and sister at the time, but I cannot recollect it at this time.

Do you remember any answer that you received from any body to whom you did mention it?—No, I cannot tell; I dare say I did mention it; but I cannot remember now, it is a great while ago.

Did you mention it in the town to any body?—Most likely I did, if I mentioned it to any body; I was not out of the town for many years.

You do not recollect any person to whom you mentioned it at all?—I do not recollect to whom I mentioned it; but I dare say I mentioned it in conversation many times.

You were acquainted with Cole the father?—Yes.

You remember his death?—Very well.

Do you remember his family going into mourning after his death?—They did not stop long after his death; I believe about a fortnight or three weeks. They came to my house after the father died.

After a fortnight or three weeks, did they then go off to London any part of the family?—Lady Berkeley and her sister Susan did.

About a fortnight or three weeks after the father's death?—Yes.

Are you sure they did not stop longer than that?—I do not think they did.

They were at your house?—Yes.

You remember the father's death?—Yes, I do.

After the father's death they came over to your house?—They came to my house. I was there at the father's funeral.

Did they come over to your house soon after the funeral?—They did.

How soon after?—I cannot say; but I fancy within the course of a week after. I cannot say how long.

Was it from your house that Susan and Mary went in the coach, for the purpose of going into service?—It was.

From your house in Gloucester?—Yes.

And that was about a fortnight or three weeks after the father's death?—Yes, it was.

What coach was it they set off in?—I cannot say; my husband went with them, I did not.

Is your husband living?—No, he is not.

Was it the coach to London?—Yes.

Did they come back again?—Mary came back but not Susan.

When was it that Mary came back?—I cannot exactly say how long it was, it might be three months, or four, or more; I cannot say.

Will you swear that you saw her again at all in the course of that year in which they had set off, Susan and Mary, to go to London?—Yes.

You know I speak now of the year in which old Cole died?—No; he died near Christmas, not in that year; he died in 1783; and this was in 1784.

You were at the funeral?—Yes.

In about a week afterwards they came over to your house in Gloucester the same year that Cole died in?—Yes.

And in about a fortnight after that, Susan and Mary set off to go to London?—It might be a fortnight, three weeks, or a month, but thereabouts they went to London from my house.

How soon after they had set off, Susan and Mary and your husband, to go in the coach to London, will you swear it was before you saw either of them come back to Gloucester?—I saw Mary come back, but whether it was two months, or three, or four, I cannot tell; but it was within a year from that day.

Was it in the summer or the winter, or at what period of the year?—She went from my house to Mrs. Foote's, she came back to me and staid till she went to Mrs. Foote's, when she came back from London.

Do I understand you that she and her sister went out to service, then she came back again; and then Mary went to Mrs. Foote's;—Yes, that is it.

Do you know whose service it was she first went into?—
Yes.

When first Susan and Mary went away, it was to go into Lady Talbot's service?—Yes.

What period of the year was it that she came back to Gloucester after having gone to Lady Talbot's service?—She stopped a very little time at Lady Talbot's, she was not well, and came back to Gloucester.

Do you remember what time of the year; was it the summer, or the autumn, or the spring when she came back?—I cannot say to the time; I believe it was warm, but I cannot tell whether it was warm weather or no, what time it was I cannot say.

What became of her after she came back from Lady Talbot's, before she went to Mrs. Foote's?—She came to me, and was at my house.

Was she at your house all the time?—Yes, she was.

Was she doing nothing all that time?—She had employment of sewing or reading, or what she chose to do.

Was her mother at your house then?—Yes, she was.

Was her mother at that time employed as a nurse?—She was at one place and another; she nursed me, and at several places in the city.

She went out to service as a nurse?—Yes.

And during that time the daughter was at your house?—Yes, till she went to Mrs. Foote's.

She was not at all employed except at needle work?—No; my husband was clerk to the collector, and we lived private.

Who paid you for her board and maintenance?—We did not charge any thing for her board and maintenance; she was welcome to be there that short time.

It was but a short time?—It was until she went to Mr. Foote's.

Was it a few months?—She was very useful to me in doing things for me and the children.

You kept her for nothing; you received no compensation for her board?—No.

Nobody paid you for her board?—No; she did work for me, and she was welcome to be there, being used to one another for a long time before.

It was but a short time, you say, before she went to Mr. Foote's?—I cannot say how long.

Did not you say it was but for a short time, and you re-

shorter; she was with me till she was engaged to Mrs. Foote; I cannot say how long it was.

Did not you just now say it was but for a short time she was with you, and therefore you received nothing for her board?—I cannot tell how long it was; I do not think it was but for a short time before she did go to Mrs. Foote's.

Do you mean to say, it was for a short time or not for a short time?—I cannot tell; but I believe it was but for a short time; it might be a month or two, or three, or four, I cannot tell.

You remember, perhaps, her being taught to dress hair before she went to Mrs. Foote's?—I remember something about it.

Do you remember who hired her to go to Mrs. Foote's?—It was on the recommendation of Mrs. Horseman of the Post Office; but I believe Mrs. Nest hired her at Mr. Mee's, in Gloucester.

When you were asked about the family going into mourning on the death of the father, you said that they bought but a few things before they went off from Gloucester?—I think they bought only a few things, but I cannot pretend to say what.

Do you remember that the mother went into mourning on her husband's death?—Yes, she did.

Did Mrs. Farren go into mourning upon the death of her father?—Yes, she did.

Did Mary Cole go into mourning on the father's death?—They made up a few things; I cannot pretend to say what she did after she went to London.

Were those few things they did make up things for mourning?—Yes, they were.

Such as were fitting for daughters to go into mourning on the death of a father?—Yes, they were.

Did Susan go into mourning?—They bought something a-piece.

For mourning?—Yes.

When Mary came back was she in mourning?—I cannot recollect whether she was or not.

Surely you must be able to remember?—I cannot recollect.

In the course of the year, after the father's death, did you see Mary in coloured clothes or mourning?—I cannot recollect whether she had, but I should

You remember her buying a few things for the purpose of mourning, before she went to London?---Yes, I remember the mother having money, and giving them to buy mourning and things.

Do you remember the mother borrowing the sum of ten guineas of a person of the name of Brown?---I remember the mother having ten guineas of a person of the name of Brown.

Was that after the death of the father that the ten guineas were borrowed of Brown?---To the best of my knowledge it was for a stack of hay and a vessel of beer.

You can remember, as this daughter, when she came back, continued in your house, whether it was two, three, or four months before she went into Mrs. Foote's service, whether she was then in mourning or not?---I cannot take upon me to say that.

According to the best of your recollection?---I cannot take upon myself to be certain to say it.

Do you think she was or not?---I really cannot say.

If you had seen her in coloured clothes two or three months after her father's death, would not that circumstance have struck you?---It cannot strike me to know whether she had it then or not, I cannot tell whether she had; I cannot say whether she had it or not.

You have told us what is the general practice of Gloucester; namely, for children to go into mourning after the death of their father?---Yes.

Would it not have struck you if in this instance this person who was decently and properly dressed, put on coloured clothes immediately after her father's death?---She had some black clothes when she went away, but I cannot tell what she had when she came back, whether she was in mourning or not.

Do you recollect when Lady Berkeley came back from Lady Talbot's, her learning to dress hair?---Yes.

Before she went to Mrs. Foote's?---Yes; I fancy of one Whittick of Gloucester, but I am not certain.

Was she living in your house at the time she learned to dress hair?---I cannot positively say whether she was at my house, or backwards and forwards to Farren's.

Was she at your house at the time she was hired to Mrs.

You do not recollect the time of the year she came back to your house from Lady Talbot's?---She came very soon after she went; whether two months, or three or four after the death of her father, I cannot say.

Are you sure it was not so much as six months?---I do not believe it was.

Did she go immediately from your house to Lady Talbot's?---She went to London. She told me she was engaged to Lady Talbot's, but could not stand the work, and came back to me.

Did she go straight from you to Lady Talbot's, or to any other place?---She went to London.

You do not know whose house she went to in London?---No, I do not.

You do not know to whom she was recommended in London in the first instance?---No; I cannot tell any thing about London.

Do you know of any recommendation she had to any other place?---No, I do not.

Do you remember the militia being out in 1783, after the peace?---I cannot tell.

Do you remember Lord Berkeley being in Gloucester at the time?---Lord Berkeley was always in Gloucester, he was very often there; I mean I cannot pretend to say to the time.

Do you remember in the month of March 1783, whether Lady Berkeley was still with Lady Talbot or not?---I cannot say.

She left you in February?---Her father died in December 1783, I think.

Do you think she returned to you so early as March?---I cannot say; but she did not stop long I know.

During the time she was with you, after she returned from Lady Talbot's, did Lord Berkeley ever visit her there?---Never in his life.

Did you ever hear of Lord Berkeley's visiting her?---Never.

When was it you were examined by Mr. Griffith?---Three weeks ago last Monday, I think.

Are you quite sure that Mr. Griffith examined you as to Mr. Fendall having visited Lady Berkeley in the Westgate Street?---Yes.

You are quite

with respect to the Westgate

Street, he examined you?—He asked, whether I recollected seeing Mr. Fendall come to the Westgate Street.

Does the Gloucester coach to London go through Wootton?—I cannot tell.

Did not Mary and Susan go to London at the same time?—Yes, they did.

Do you know where Susan lived at the time that Mary was with Lady Berkeley?—I cannot tell.

Do you know whether she was ever with Lady Talbot?—I believe, by what I heard, that they both lived in one house, but I cannot say.

Do you know whether Susan remained with Lady Talbot after Mary came back to Gloucester?—Not so long as Mary did I believe, but I am not certain.

You believe Susan to have quitted Lady Talbot's service before Mary?—I believe she did.

Can you tell the time of the year when you saw Lord Berkeley come out of Farren's house?—It was in the summer of 1785.

During Lady Berkeley's residence when she returned from Lady Talbot's service, she was constantly at your house?—At my house in the night and Farren's in the day generally.

Did she ever sleep out of your house?—I cannot say she never did; she was generally at my house.

She was employed in sewing for you?—Yes.

She was generally at your house?—Yes.

Visiting at Farren's in the day-time?—Yes.

Did you at any time ever see Lord Berkeley in the presence of Mary Cole?—I have seen him go down the Street, but I never saw him with her in my life.

EDWARD BLOXSOME being again called in, was asked by the Solicitor General, whether he had seen the present claimant write, and if he was acquainted with his hand-writing?—To which answering in the affirmative, a paper was shewn him, which he believed to be the present Lord Berkeley's hand-writing.—The committee adjourned.

JAMES CHAPMAN deposed, that he was in Lady Berkeley's service in 1799; he remembered M^r. Tudor's presence at the castle. He also mentioned, that Lady

SUSANNA GLOSSOP, the mother of Lady Berkeley, deposed, that she was in her 75th year, and was also the mother of Mr. Tudor, William Tudor, who was nait-baptized by that name on account of her having a very bad time, and on account of a sister of her husband's that lived somewhere with a gentleman of the name of Tudor, who, when he died, left her a great deal of money.

Being asked if she knew of any boys that used to call upon her son, going backwards and forwards to school?—She answered, "I never know'd a boy to call upon him, never." She further stated, that he went by the name of Tudor, because Lord and Lady Berkeley desired it might be so.

Being asked if she remembered her husband's death?—She answered, I cannot remember the date or the day of the month.

What became of you after his death?—I did not stop but a very small time, about a fortnight I believe, where we lived; and then I went to the landlord and desired him to settle my affairs, for I could not be happy to stay there any longer; and I went to my daughter at Gloucester.

Did you not go to Mrs. Williams, Medicott that was?—Yes, I lodged with her, but not when I first went; when I first went I lodged with my daughter Farren.

Were your two daughters Mary and Susan along with you?—Yes.

Did they go out to service from thence?—They did.

Did they go together, or one before the other?—They both went together. There was Mrs. Walbank, a clergyman's lady, that got them places at London, to Lady Talbot's, and they both went up there, both together. She recommended them to a person in London, and that other gentlewoman got the place for them by that other recommendation.

How long did they stay in that service of Lady Talbot's?—Susan did not stay so long as Mary, for she was taken very ill. I think she was not above three weeks there. That was my middlemost daughter.

How long did Mary stay?—She staid I believe about a quarter of a year, but am not quite certain.
After your husband's death did you and your daughters go into mourning for him?—Yes.

How long did you all continue to mourn for him?---I wore mine for years after he died.

How long did your daughters wear theirs?---I imagine when they got to London they did not wear it long.

Did they go to London in it?---They went to London in it.

It was deep mourning that they put on?---Yes.

Black?---Yes.

They were dressed in black?---Yes.

Do you remember being at Farren's when he was in Southgate Street?---Yes.

Did you live in the house there?---I was with Medlicott, and sometime at Farren's in the day-time.

Did you ever know of my Lord Berkeley ever visiting any where there?---Yes, he used to come to Gloucester a good deal.

What house did he use to come to at Gloucester?---I am not certain whether it was the King's Head, I believe it was; but I am not certain.

Do you know any young person that he used to visit at Gloucester at all?---No, not then I do not.

Did you know at all before you left Gloucester to come to London?---I did not.

What time did you come to London?---It was about autumn; the latter end of autumn I believe, or in the winter, I be'n't sure which.

Did your daughter Farren and her husband come up then to London?---No, she went before me, and one child was very ill.

Did Mary go before you to London, or after you?---She went before me.

Did she go by herself, or with any of the rest of the family?---She went then to Mrs. Foote's.

Did she go to Mrs. Foote's from Southgate Street?---Yes.

Are you sure of that?---Yes; there was a lady that hired her, and gave her her earnest and every thing.

How long did she remain absent at Mrs. Foote's?---I am sure I cannot say how long, but more than half a year before her sister sent for her away.

Which sister?---Her sister Susan wrote down to us that she was wonderfully married, had married a very great person, and that she took her sister away from Mrs. Foote's

longer ; she said she wrote to her sister Farrèn the same, that she would send for her.

Did you see your daughter Mary after that ?—Yes, when I went to London I think I did.

Did you never see her after she had been at Mrs. Foote's till you saw her in London ?—I think not.

Are you sure you did not ?—I am not quite correct in that point.

Recollect yourself a little, and say whether you did not see her after she had been at Mrs. Foote's in service till you saw her in London ?—I think I can safely say I did not.

Where did you see her in London ?—I saw her ; she came to Mrs. Farren's, where she was in lodgings.

Whose lodgings ?—She was in Old Burlington Street, No. 19.

Were those Mrs. Farren's lodgings, or were they Mary's lodgings ?—No, they were her lodgings, the eldest girl's, Mrs. Farren's.

Had Mary any lodgings of her own ?—She was with her sister Susan at that time.

This is the autumn or the winter of 1785 you are speaking of ?—I believe it is ; I do not know the date.

Was it the autumn or the winter you went to London in ?
---Yes it was.

From Mrs. Farren's in Southgate Street ?—Yes.

At that time Mary was living with Susan ?—Yes.

Where ?—I forget now where she did live.

Was it in Charles Street, Berkeley Square ?—I think it was ; yes, it was.

How long did she live with her sister in Charles Street, Berkeley Square ?—I cannot say how long ; I do not think she staid there long.

Do you mean by long, a month or two months, or more ?
---I do not know that she staid so long as that.

Where did she go to from thence ?—She had lodgings taken her in Park Street.

Did you see her in Park Street ?—Yes ; I did once or twice, but not at first.

How long had you been in London before you saw her in Park Street ?—Some time, I dare say ; I cannot justly say how many months, but I had been some months.

When you saw her was not she far advanced ?—She had been her

Was not she with child when you saw her?—I did not know she was then.

Were you present when her first boy was born?—Yes.

How long before the birth of that child was it, you had seen her in Park Street?—I think it was near half a year, I will not be certain; for she came to me one day and asked me if I would come and be with her while she was brought to-bed.

Did you continue to live with her half a year before she was brought to bed and upwards?—I lived with her till she was brought to-bed.

For the last half year before she was brought to-bed?—Yes.

Where?—In Park Street; I refused when she first came.

You did in fact live with her in Park Street?—I certainly did; and used to breakfast with her, and dine with her.

How long did you continue to dine with her?—Till after the child was born; I went down to Berkeley with them.

Did you dine at the table with Lord Berkeley?—No, not then, I did not.

Where did you use to dine then?—I used to dine in the nursery.

Before the child was born?—No; before the child was born I always dined with her, if my Lord was not at home, and breakfasted with her.

But at Berkeley Castle, when my Lord was there, where did you dine then?—In the nursery.

Did you dine in the nursery before the child was born?—Yes.

Was there a nursery before the child was born?—There was a place fitted up in case they came down with the child; that was fitted up ready the while we were there in case she did come down again.

Who dined with you in the nursery?—Why, I had my dinner to myself, and I had her two maids to wait upon me.

Where did your daughter dine then?—She dined with my Lord.

And you dined alone in the nursery?—Yes.

Did you take all your meals alone in the nursery?—If he was at home I did.

During the whole time that he was at Berkeley Castle, the six weeks he and your daughter were there before the

birth of the child, did you use to take your meals by your self?—Yes, except he was out.

Did you receive any compensation for living with them?—No.

Did you receive no money from them?—No more than what they pleased to give me.

Were not you, before you went to live with them, in the habit of going out as a nurse?—I did not go out to nurse constantly; I used to go when I was sent for to better sort of people, if there was any difficulty with the breast, or any thing of that sort, but I did not constantly go out to nurse.

When you did go out to nurse were you paid for it?—Yes; if I did go they always made me a present.

Was not that the way by which you acquired your livelihood then?—No.

Had you any other means then than some little money of your own?—I was a very good hand at my needle, and I could earn a good deal of money that way.

It was by your needle or going out to service you acquired your livelihood then?—Yes.

Did you receive nothing for being with Lord Berkeley's family?—Certainly, I was paid; they paid me just what they liked; I never made any bargain, it was just what his Lordship pleased; she used to make me presents.

Did you come into this House to be sworn?—Yes.

Can you tell how long your son staid with Mr. Parker?—I believe about three months.

What became of him at the end of three months?—We all went up to London.

Do you know who maintained the family after they came up to London?—Susan, she that said she was married so well.

Can you state the name of the lady in London, who recommended your daughters to Lady Talbot?—I cannot now; she was a very respectable woman I believe indeed; I know she was by what Mrs. Walbank said, but I cannot recollect her name now, or the street where she lived.

Is Mrs. Walbank alive?—I do not really know; I dare say she is not.

Before you went to live with your daughter in Park Lane, had you any explanation the subject of her being mar-

What did Lady Berkeley say to you at that time?—She came to me on a Saturday, and said, “Mother, will you come and be with me while I lie-in.” “No, says I, my dear, I shall not.” “Why, what is your reason?” “Because, says I, I think you are not married, and that is the reason I will not go to be with you to encourage vice; I cannot look upon you as my daughter if you are not lawfully married.” She came up to me, and burst out crying, and said, “Mother, to-morrow is Sunday, and you and I will go to sacrament together; and if you will go with me, I will take the sacrament;” but she first said she was married. “I am married, says she; but it is a secret;” and then she said, “Mother, to satisfy you, we will go together to-morrow morning and take the sacrament, I will with you, and then I hope you will think that I cannot do such a thing as that, without I am a good woman; I would not do it for all the world.” “Very well, says I, then, my dear, I will attend on you;” and we both cried, and then we went to the sacrament; and when she came out, she came to me and took me in her arms, and said, “Mother, do you think I could have done this as I have done, if I was not an honest woman?” “No, says I, I think and hope you would not.” “Very well, then; now, says she, I hope you will be content, and come and be with me; I have satisfied you as far as I can.”

Did you ever dissuade your daughter Mary from living with Susannah, who was called Turnour?—She left her before I was aware that she was an abandoned creature—Mary did.

When did you first know that Mrs. Turnour was not a married woman?—I do not know when it was; but she satisfied me that she was not when I saw her again, after she had left her.

Did you visit Mrs. Turnour after you came to settle in London?—Never.

DORCAS SANEGAR being examined as to Mrs. Price's going away, and being asked what she heard her say, replied, “Mrs. Price went away on account of not dining

The Rev. ROBERT FERRYMAN deposed, that he had known Lord Berkeley from the beginning of 1787, and considered himself upon a footing of considerable intimacy with him. Being asked if he remembered a person of the name of Mrs. Bell, at Cranford, he answered yes.

Did you observe how she was employed there?—I observed her frequently cleaning pictures, and in the act of painting.

Are you quite sure you have seen her in both those employments?—Most certainly.

How was she habited at that time?—I recollect perfectly, when she was cleaning the pictures, seeing her with an apron on, to keep herself from being dirtied.

Had she any sponge and cloths?—She had.

She had brushes, and colours and things about her?—Yes, she had.

Did you see this more than once?—I recollect seeing her frequently there; she was staying there for a week or ten days, or more, together; I was going there only occasionally. When I paid those occasional visits I saw her frequently so occupied.

That was at Cranford?—Yes.

Did you know Mr. Chapeau?—Certainly.

Was he upon a footing of intimacy with Lord Berkeley? Most assuredly.

What degree of intimacy did you observe subsisting between him and Lord Berkeley?—I considered him as one of Lord Berkeley's intimate friends at that time; there were but few days passed when I did not see him there.

Do you remember whether they rode out together?—Frequently.

Had they any other amusements together?—No, not particularly; he used to ride and go shooting with him. I did not go shooting with Lord Berkeley, my pursuits were rather different. He was there most days, and frequently dined there.

Did Mrs. Chapeau, during the time that she was on those terms of intimacy, visit there?—I never saw her.

You were very intimate in the family?—Yes; I was there most days. I was at Harlington and Drayton, and I was there most days.

During this time, what name did the present Lady Berkeley then bear?—The name of Lady Berkeley from the year

Did you ever hear her called by any other name than Miss Tudor at that time?—Not at that time; when I first had the honour of being introduced to Lord Berkeley, she went by the name of Maria only.

Did you, at any time, ever hear her spoken of during your intimacy with Lord Berkeley, by any other name than the one you have mentioned?—Certainly not.

Did she, at that time, pass as the wife of Lord Berkeley or otherwise?—I never considered her as his wife, nor did I ever hear her called such.

Do you happen to recollect hearing Lady Berkeley use any expression respecting Lord Berkeley, or the footing on which she lived with him?—I recollect, very early in my acquaintance with Lord Berkeley at Berkeley Castle, one morning after breakfast, Dr. Jenner, I think, was there. I recollect perfectly well she had one child upon her lap, which was Frederick, and the other son was sitting by her; the elder one she drew him to her, and said, “these are the ties; if it was not for these it could not be supposed I would live with Lord Berkeley on the terms I am living with him;” or words to that effect.

At what time, as nearly as you can recollect, was that expression used by Lady Berkeley?—I think that must have been in 1788 or 1789.

ELIZABETH MARTHA CHICHELY CHAPEAU was examined as follows:

You are the wife of the Reverend Mr. Chapeau?—Yes.

Were you upon any footing of intimacy with Lady Berkeley, before the year 1796?—I paid a visit to Cranford once, and enquired for Mrs. Price. Miss Tudor came into the parlour; I thanked her and Lord Berkeley for their enquiries after my son so often at my door, on account of his being ill of the small pox, of which he died.

You called on Mrs. Price?—Yes.

Your visit was to Mrs. Price?—Yes.

When was it you visited Mrs. Price when you saw Lord and Lady Berkeley?—My son, I believe, died eighteen years ago, the 2d day of March, and it was between that and the year 1790, but I cannot tell exactly the date.

Do you remember how long it was after the death of your

It was at Cranford?—Yes.

After that, did Lord or Lady Berkeley call at Mr. Chapeau's, or upon you?—Lord and Lady Berkeley were in the habit of stopping at the door frequently, with messages to Mr. Chapeau, as they came in and out of town?

Upon any of these occasions did Lady Berkeley pay any visit to you?—After Miss Tudor's marriage at Lambeth, the 16th of May 1796, I paid her Ladyship two visits, one at Cranford House and the other in Spring Gardens. When I was in company with Lord and Lady Berkeley two or three of the children and my own little girl, and no one else was present whatever.

Do you remember at any time prior to the year 1796, Lady Berkeley paying you any visits?—Never, any otherwise than calling at the door.

When she called at the door, was she admitted into your house, to see and speak to you in your own house?—To the best of my recollection, never.

Do you remember ever having been yourself at her house, either at Cranford or any where else, before 1796, except the one occasion that you have before described?—No, never.

Do you ever remember seeing Lady Berkeley and Mrs. Bell in the garden, walking in the garden of Cranford House, Lord Berkeley's House?—To the best of my recollection, I never saw Mrs. Bell in my life.

Are you confident you did not meet Mr. and Mrs. Bell in the house or gardens at Cranford before 1796?—Perfectly confident, to the best of my recollection, I never met Lady Berkeley in the garden in my life; nor do I know Mrs. Bell by sight.

You can perhaps with certainty say, whether you were before the year 1796 in the habit of receiving or paying visits to Lady Berkeley?—Never.

You did not visit her, nor receive visits from her?—Never.

The Witness was directed to withdraw.

Then the following letters, before proved to be of the handwriting of Lord Berkeley, were delivered in and read:

" My dear Sir, Berkeley Castle, January 29th, 1811.

" As I know you were one of the oldest and most intimate friends of my late father, I take the liberty of request-

election, which commenced yesterday. I shall also be most happy if you will do me the honour of paying me a visit at this place, either on your way to Gloucester or on your return from it. I remain, dear Sir,

most truly your's,

(Addressed)

BERKELEY."

" Frog Mill, January Twenty-ninth, 1811.

To the Rev^d J. Chapeau,

Piccadilly,

Berkeley.

London."

" My dear Sir,

Berk. Dec^r 5th —93.

" I am much obliged to you for your account of the action at Butcher's Grove, and it would not have been so fatal had not *young officers* been concerned; young generals are but bad things to have the entire direction and *option* to engage. What the devil is the history of Snell's prosecution? I am ignorant. My poor little girl is no more. We have plenty of Woodcocks.

I remain your's, sincerely,

(Addressed)

BERKELEY."

" Berkeley, December fifth,

To

93.

The Rev^d Mr. Chapeau,

at Mr. Allnott's,

Free

Hounslow,

Berkeley.

Midd'x."

" Dear Chapeau,

Saturday Morn^g.

" To-morrow I am off to Berkeley, so that you may occupy Cranford House as soon as you please. Inclosed is the account, settled to a fixed time, and you will find twenty pounds left in a note for you in Cook's hands. One garden man discharged, and Mat. Davis is added to thresh out the oats.

I remain your's, &c.

BERKELEY."

Adjourned.

On the 13th of June, Admiral PRESCOTT being called in,
was examined as follows: Digitized by Google

When did you first know the late Lord Berkeley? I he

the year 1750 we were at Mary-le-bone School together, and from that time to the hour of his death, in total I suppose very near sixty years.

Were you much with him at Berkeley?—A good deal, at different times; my service interrupted me sometimes of course.

And at Cranford?—At Cranford a good deal.

Were you in the habit of calling upon him frequently when you were in London?—I lived very much with him in the house; I will tell you how much: I did not see Lord Berkeley from the time of our leaving school; I went to the academy at Portsmouth, and from thence to sea; I was made Lieutenant in 1758, and was then at Cranford; from that time I never saw Lord Berkeley till I met him in Paris, which, I suppose, must have been the year 1766. When he came of age there, we renewed our intimacy. I was obliged to go to Orleans, he came over to keep his birthday; I followed him in July, and went to Berkeley Castle, where I remained some time; Lord Berkeley had frequently pressed me to become an inmate in his house, which I had refused, on the ground that it might be a restraint to me; but he removed that, and I became an inmate in his house in 1769, and he lived then in Berkeley Row, I went to sea again in 1766.

When did you go to sea again?—I think it must have been in 1776, as Lieutenant of the *Valiant*, with the late Admiral Levison Gower; and in 1778 I was promoted to the rank of commander. I lived with Lord Berkeley from the year 1769 to the year 1779, always without interruption.

Do you remember being at Berkeley Castle any part of the year 1784 or 1785?—I must have been there in both years, I should think; but I do not exactly recollect the time. I think I met the present admiral and his wife there in 1784; they were there for some time, and I was there myself at that time. I would not be positive as to the year, but I think it was in 1784.

About what part of the year do you suppose it was?—I think it was in the summer months.

Were you there, speaking to the best of your recollection, in the beginning of the year 1785?—I do not recollect that I was there in the beginning of the year 1785; but I think it is more than probable that I was there then. — In London

Do you recollect taking any Journey in February 1785, from Berkeley Castle to London?—No, I do not recollect any such circumstance.

Do you recollect taking a journey from Berkeley Castle, in company with Lord Berkeley, Mr. Hupsman, and his daughter, Miss Hupsman?—I have not the most distant recollection of it; but I suppose I may venture to say, that a circumstance of that kind might not be screwed to one's memory, of a girl going down with Lord Berkeley. I know that Mr. Hupsman frequently went with us, that is sometimes, as other people have. We had sometimes three in a chaise; but I have not the least recollection of Miss Hupsman being in a chaise; I have endeavoured to recollect it, but cannot do it.

You have heard of it?—I have.

You do not recollect whether you came up to town with her, or went down with her, to Berkeley?—I have not the most distant recollection of the circumstance; it is not a circumstance to attach itself to one's memory.

Do you remember seeing Lord Berkeley in February, March, or April 1785?—I certainly must have seen him, I think, because I was an inmate in his house. I lived with him in Grafton Street in 1785, but I cannot say that it was January, February, or March; but I must frequently have seen him those months.

You cannot recollect at all, whether you did or did not go down to Berkeley in the beginning of 1785?—No, I cannot recollect; I think it very probable, but I never marked the time. I never conceived my being placed in this situation.

You do not mean to say that you did not go down?—No; on the contrary I cannot say that I did not; I could ascertain the fact, because I kept journals, but I have destroyed them. For the last eleven years of my life I could tell where I was, but I have not those early books; I destroyed them, being troublesome to me, some years ago.

Do you remember the first son, William Fitzhardinge Berkeley, being born?—Yes; I was not present, I was at Berkeley Castle at the time; it was the 26th of December 1786.

Was he afterwards christened in London, do you know?—I do not know.

When did you first see Miss Tudor?—I saw Miss Tudor, for the first time, in the month of October 1785. I suppose it

How was she treated by Lord Berkeley at that time, as Lady Berkeley or as Miss Tudor?—Never as Lady Berkeley, not as it appeared to me.

When did you first hear her called Lady Berkeley?—I do not think that I heard of her being Lady Berkeley till the year probably before this business was before this house.

That would be in the year 1797 or 1798; the business was before this house in 1799?—I suppose it might be in 1798; it was from a particular circumstance that I recollect it must be about that time. It was this: I was met in St. James's Street by the late Sir Godfrey Webster, and two or three other gentlemen I do not recollect; Sir Godfrey met me, and asked me whether it was true that Lord Berkeley was married to Miss Tudor; this must have been, I suppose, in the year 1798. I answered him, that I knew nothing of the matter. He said it was extraordinary that I should not; who could know it if I did not? I told him upon my word I did not know any thing at all about the matter. I went home that very day, or, perhaps, by the next post, wrote a letter to Miss Tudor to tell her the circumstance that had happened to me, and to request that she would furnish me with an answer upon such occasion. I received, in return, a letter from her finishing in this way: "to those who make inquiry after me you may say, that your sincere and affectionate friend has, for a long time past, been Maria Berkeley."

Is that letter in existence?—No, it is not, nor any letter of that date. I never keep any letters. I never dreamt of this situation, nor did I think I should outlive Lord Berkeley.

Did you ever hear Lord Berkeley, before the year 1799, say any thing about his children, as legitimate or illegitimate; whether his children were begotten in wedlock or not?—No, he never spoke to me in the most distant manner about it. I never conceived they were. He never spoke to me of it till the business was before this house; it was just then that I knew that Lord Dursley had been introduced to me as Lord Dursley. I believe it must have been about the period I mention; perhaps the beginning of 1799; I dined there in a family way. Miss Tudor and the children had left the table. Lord Berkeley and I were left to ourselves. The business at that time was before this house. I asked my Lord Berkeley if he had any more to set forth in the year

habits of such intimacy and acquaintance, you should have withheld from me one of the most interesting events of your life."—"It is so, says he, Prescott, and I am sorry for it, but I was married."

Do you remember the christening of a child that was christened by Mr. Chapeau?—Perfectly; I was present, and one of the godfathers.

Can you remember the circumstances that passed at that?—I recollect, in a great measure, the circumstances, if you will be so good as to ask me what circumstances.

Were you godfather to the first or the second?—To both; the first and the second.

Who were present at the christening of the first?—I apprehend my Lord Berkeley, Miss Tudor, Mr. Chapeau, who officiated as clergyman, and godfather too, and some of the nursery establishment, but I do not know who.

Do you remember writing down any thing for the register?—No; I have not the most distant recollection, but I will not oppose the fact, because it may have happened; it was a thing so probable, that it may have happened; if I could see it, I should be able to tell whether it was my writing or not.

Do you recollect any thing passing about a guinea for the nurse?—Perfectly; Mr. Chapeau and I gave a guinea a-piece to the nurse.

Was Mr. Chapeau very intimate with Lord Berkeley?—Very intimate; he was on all shooting parties, and was very often in his company.

Do you recollect the certificate being made out of the baptism of the second child?—No; I never gave myself the least trouble about it. I know no more of it than this desk.

You did not know how it was made out, and how it was altered?—No; nor that there was one.

You have no recollection at all upon that circumstance?—Do you mean my writing the certificate?

With respect to the first child, do you remember the form of the certificate for the register of the first child's baptism?—Not the least in the world.

Do you recollect any alteration being made in the form of it?—No; I have no recollection at all of there being one, or of any thing that passed about it.

Do you recollect Lord and Lady Berkeley returning from

Do you remember your sitting in the dining-parlour when they returned from the House of Lords in the year 1799?—No, I was not sitting in the dining-parlour when they returned from the House of Lords.

Where were you?—I may have seen them after their return, but not in the dining-room.

Do you recollect what passed on their returning from the House of Lords?—I do not recollect their return from the House of Lords; I may have seen them, but I do not recollect when it happened; I did not live in Spring Gardens upon my return from the King's service in the year 1795. When I had the honour of my flag, the family had so increased, that there was not room for me, and I went to a residence of my own, and I was not an inmate of the house after that.

Do you remember any thing said by Lady Berkeley in Spring Gardens about what had been passing in the House of Lords, any thing said in the presence of Mr. Chapeau?—No, I do not recollect any thing in the presence of Mr. Chapeau.

Do you recollect any thing said at that time, not in the presence of Mr. Chapeau?—I do not recollect any thing; no conversation when Mr. Chapeau was present. A conversation may have passed, when I did not hear it; I sit at dinner, there is a general conversation, and I do not get ten words out of ten thousand. Unless I am applied to, I do not bear it at all.

Do you remember whether Mr. Chapeau ever told you, that Lady Berkeley had given him an account of her first acquaintance with Lord Berkeley?—No, I do not recollect any such circumstance. Mr. Chapeau has mentioned other things to me, but I never recollect his having given an account of her life, never.

Do you recollect Chapeau's having told you, about 1799, or thereabouts, that he was determined to cut the family?—I believe that I have asked Mr. Chapeau his reason for abandoning the family; and poor Lord Berkeley had often pressed me to know the reason, but I did not choose to give it him, because it might create uneasiness. Mr. Chapeau had told me his reason for quitting the family was, that he would not sit at a table where he might become an evidence against the owner of it.

Do you recollect when that was?—No, repeatedly; not once, and not privately

How was Mr. Chapeau generally received by Lord Berkeley?—With perfect friendship and good-humour on every occasion I have seen. I never saw them depart from that at all; he always appeared to be in habits of great intimacy till after he quitted the house, and then he spoke of him as loving him and liking him.

The manner of Lord Berkeley's reception of Mr. Chapeau was that he would have given to any other friend?—Exactly so to my eye.

Were there any ladies visited Lady Berkeley before the year 1798, when you first heard of the marriage?—Not of consideration, I believe. I understood, though I have not perhaps been exactly present, that a Mrs. Black, the widow of a clergyman at Berkeley, visited Miss Tudor.

You do not know that of your own knowledge?—I was not present; perhaps I might, but I can venture to say she did visit Miss Tudor, because it was in every body's mouth in the village.

Had you ever any conversation with Lady Berkeley about her marriage?—No; I cannot say that I have had any conversation with Lady Berkeley about her marriage, till the event of the marriage of 1796 had been disclosed, which was to me perhaps in the beginning of the year 1799, or the latter end of 1798, in consequence of Sir Godfrey Webster's stopping me, which I have already stated to this House.

You never had, previous to that time, any intimation of any kind from Lady Berkeley that she was married?—Good God, never! I never had an idea that she was married.

Did Lord or Lady Berkeley ever give you any detail of the circumstances that led to their first connection?—Never.

Had you any reason ever to know what were the circumstances that led to the first connection between Lord and Lady Berkeley?—I do not know that I had any reason to know what were the circumstances that led to that first acquaintance; because I really cannot say that I know any thing about it. I know that they were acquainted, but I do not know what led to their acquaintance. I know perfectly that they were acquainted.

October, 1785, you are understood to say was the first time you saw Miss Tudor?—It might have been about the 22d or 23d of October, 1785; it is marked by a very ludicrous circumstance, which I will relate to the House, if they please; it will cause laughter; I was sitting with Lord Berke-

Where?—In Grafton-street, in the year 1785, in the month of October 1785, he told me he would take me to tea with two very pretty women. I was then twenty-six years younger than I am now, and it was very agreeable to me. In picking the bone of a pheasant I broke one of my teeth; my tongue found the vacancy, and I said, "Good God, I have swallowed a tooth." "A tooth," said he: "Yes," I said, "I have." We went in the evening to visit Miss Tudor; and her sister, called Mrs. Turnour, being seated by her, I told her she was sitting by one of the most extraordinary men in the world. "How so?" says she. "Madam," says I, "I have a tooth in my stomach."

You are sure of the date; this passed in October 1785?—I am, upon my oath, as to the date, the month of October, 1785.

You saw Lady Berkeley that time with her sister, Mrs. Turnour?—Yes, by her sister.

By what name was she introduced to you?—Susan was her name.

When did you see them?—It was in the Brompton Road, in a street declining to the right; there is a chapel; I do not know the street; there are three small houses, with bow windows; but I do not know the name of it.

To whom did that house belong?—I cannot tell.

Was it at Miss Tudor's lodgings, or her sister's lodgings, you understood you saw her?—I did not understand one or the other; Lord Berkeley told me he would take me to drink tea with two very pretty women; and it did not signify to me whether it was at Hampstead, or Highgate, or where.

Do you remember being with Lord Berkeley at any period of that same year previous to October?—To be sure; I was an inmate at his house all the year.

Do you recollect where he was in the month of May?—No, I do not recollect; he was very often with the militia; but I never went with him there, never to stay there; I might have gone for a day or two.

There is no circumstance brings to your recollection whether he was with the militia or not in that year?—No, I do not know.

Were you ever in Gloucester in that year?—I cannot say. That I was; I should not suppose I was; but I cannot say by any name. You cannot say whether you were at Berkeley Castle in the month of November, 1784?—No, I cannot say.

Susan together, at any other time than that visit, when you told them of your tooth?—Not for a great while; I did not see them together, I believe, till the house was taken for her in Park-street. I took the house.

After you took the house in Park-street, did you see Lord Berkeley, Miss Tudor, and Susan together after that?—I never saw Susan with her after that, not in that house.

In any other house?—Yes, I have in another house.

Where?—In Princes-street, Hanover-square.

Was Miss Tudor visiting Mrs. Turnour, or Mrs. Turnour visiting Miss Tudor?—That I cannot tell.

Was Lord Berkeley there?—No, he was not.

When was the house taken in Park-street; can you recollect?—Yes, perfectly, because I have got the receipts in my pocket.

The witness produced several papers, and said; here are the receipts for the house, and here is the attorney's letter upon paying.

This is the receipt for the rent of the house in Park-street?—Yes, which I suppose might take place about the middle of the year 1786, and be given up in the middle of the year 1787, when Miss Tudor became an inmate of the house in Graffon-street.

Upon whose account did you pay this?—On Lord Berkeley's account.

Then when Miss Tudor was living in that house in Park-street, when you paid this rent on Lord Berkeley's account, are the Committee to understand you saw Susan at that house in Park-street?—I never saw her in that house in Park-street.

But in Princes-street?—Yes, in Princes-street I saw her.

Subsequently to that period of 1787?—No.

1786?—No, antecedent to that.

When did you see her last in Princes-street?—It must have been in the month of December, in the year 1785.

Have you ever seen her since?—I do not recollect ever to have seen her since; I do not know what prevented it, I had no objection to see her; but I never saw her afterwards.

Was that upon an occasional visit they were together, or were they living together?—They were living together; but

Did they appear to be on terms of intimacy together?—
Yes, they seemed to be so.

As sisters?—Yes, I saw nothing to create a different opinion, but that they were then amicably together; but I never saw them but once or twice in this house.

Did you know the mother of Lady Berkeley at that time?—No.

When did you first know her?—I never knew her in my life.

Do you remember Lord Berkeley's living with Mrs. Bailey?—Yes.

Have you ever dined with him when Mrs. Bailey was living with him?—Very often. It is a very delicate subject for me, for I am in habits of acquaintance with Mrs. Bailey now.

Was Mrs. Bailey treated by Lord Berkeley with the same respect you have seen him treat Miss Tudor?—Precisely.

Can you state at what time Lord Berkeley ceased living with Mrs. Bailey?—Upon my word I cannot answer the question; I wish I could. You will please to recollect that during a great part of the time he lived with Mrs. Bailey I was at sea.

Was there a considerable interval between Lord Berkeley's ceasing to live with Mrs. Bailey and your visit to Miss Tudor?—I cannot tell.

Was he living with Mrs. Bailey when you returned from sea?—I think he was. I think I recollect visiting Mrs. Bailey after I came home; that must have been in the year 1783, upon the peace; or rather in the year 1782, when I quitted a frigate; for I had afterwards a sixty-four gun frigate, and she was paid off in 1783. I went with Mr. Johnstone on his expedition to the Cape of Good Hope, and so on.

Do you recollect how long he continued to live with Mrs. Bailey after that period?—No, I do not.

Did you ever know of Lord Berkeley's paying his addresses to Miss Oury?—The commissioner's daughter. I have heard of it, but not circumstantially, and laughed with him about it, and said, "Why I hear you have been in love with Miss Oury, is she pretty?"

You have talked with Lord Berkeley upon the subject?—I have just the same as I should with any other person. Berkeley's confidence in him

my astonishment that he should have concealed from me one of the most interesting events of his life, having stood on the terms I had with him. Lord Berkeley was not in very good spirits, and I proposed a walk round the garden, and going round the water with our faces to the eastward, I asked him whether he was married when he lived in Grafton-street. He said, he was. I said, " Good God ! you surprize me."

Did you ever hold any conversation with Lady Berkeley on the subject of a dispute existing between her and Lord Berkeley ?—At what period do you speak of ?

You are desired to state that conversation ?—It was at Cranford ; but I cannot exactly state the time it happened ; she was in tears, and agitated a good deal, and my Lord Berkeley and I. I was deaf at that time, and therefore I might not hear all that passed ; but I saw evidently there was a quarrel of some kind or other. She left the room ; I said it pained me extremely to see him in a state of such unhappiness. His answer was, " I am determined, Prescott, to put her away." " Shall I tell her so, my Lord." His answer was, " Yes ; you may." I was going to London at that time with Miss Tudor ; and in the carriage, after having left the house about ten minutes, or something of that kind, I related the conversation that had passed between Lord Berkeley and me, and told her I was extremely sorry to say to her that Lord Berkeley was determined, if it went on, to part with her ; and her answer was, " He dare not." She said no more.

Can you recollect any circumstance, such as enables you to state the date, near the date of that conversation ?—Not the least in the world ; I am perfectly at a loss for dates.

Did you observe any thing different in Lord Berkeley's conduct to Lady Berkeley before and subsequent to the marriage in 1796 ?—Not the least in the world. I did not observe any difference at all ; there was the same apparent affection that to me appeared to subsist from the beginning, only mingled with those sort of differences which I have observed generally I believe appear.

How did Lady Berkeley appear to treat Mr. Chapeau ?—With attention and kindness.

Did you communicate to Lord Berkeley the answer that Lady Berkeley gave you ?—Oh yes.

What did Lord Berkeley say upon it ? He said nothing.

Did Lord Berkeley ever explain to you the reasons for having so long concealed his marriage?—No reasons but those I have given, that he was very sorry for it; but it was so. He never gave me any reason of any sort or kind; indeed I was not curious on the occasion. I go in a straight line through the world, and do not trouble myself about other people's business.

Did Lord Berkeley ever mention to you his situation with respect to his brother, as to his being his successor in either his title or his estate?—No, never.

You have stated that Lord Berkeley communicated to you that he was married, and sorry for it?—Oh dear no, he never expressed that he was sorry he was married, but that he was sorry he had not told me about it before.

Did the communication relate to the first or the second marriage?—To the first marriage. I asked him how an event of that kind could take place and he not communicate it to me. He said, he was sorry for it, but it was too late.

Was it in 1799 he said that to you?—Yes, it was when the business was before this House; but it was before that I had written to him in consequence of the conversation with Sir Godfrey Webster.

When did you dine at Lord Berkeley's with the Prince of Wales?—On the 15th of April I think, in the year 1802, but I can go to book and tell, if the House wish to know exactly that, because it comes within the verge of my observations.

Do you remember, while the question was depending in the House of Lords in the year 1799, Lady Berkeley coming home in great agitation, and throwing herself into a chair in the room where you were?—I have not the least recollection of it. I think such a circumstance would have impressed itself upon me. I never saw it, I think.

Do you remember her saying any thing about the iniquity of the conduct that was pursued on that occasion?—Never; but a conversation may pass in my presence without my hearing it; but I think the conduct cannot have escaped my notice.

The Witness was directed to withdraw.

Mr. James P... being examined, and asked if whether he had... 1795 previous to

Where?—At the house of Susan, then Mrs. Turnour, in Charles Street, Berkeley Square.

In what month?—The month of January; and I think the month of February, but I cannot swear to the month of February.

Do you remember seeing her in the month of March?—I do not.

Do you recollect seeing her at any time, except the month of January or February, and the month of June, when you saw her in Gloucester?—I do not recollect seeing her in the interval.

Subsequent to June 1785, when did you see Mary Cole again, then Mary Tudor?—I saw her in the autumn in the same year; the year 1785.

Where did you see her in the autumn of the year 1785?—I saw her at the house of Mrs. Turnour in Charles Street; and also in lodgings at Brompton.

Can you state the month in the year 1785, in which you saw her in Charles Street?—I cannot; I think it was early in the autumn of 1785, the end of September, or the beginning of October.

But subsequent to June 1785, you are sure you saw her at the lodgings of Mrs. Turnour?—I am positive.

Where did you see Lord Berkeley and Mary Cole together?—It was at the house of Mrs. Turnour in Charles Street; and the thing that makes me recollect it was the autumn and not the early part of the year is, that the windows of the drawing room were all open, and Mrs. Turnour said, "There is Berkeley coming, we must retire." I saw him coming into the house, and I went down to the parlour, and very soon after left the house. I think that my Lord Berkeley was at this time accompanied by another gentleman.

Did you ever see Lord Berkeley with her in January or February 1785?—I did not.

What was the appearance of Lady Berkeley in January or February 1785?—Lady Berkeley in 1785, both in January and when I saw her in June at Gloucester, and afterwards in the end of the year 1785, preserved the same simplicity of dress: the same neatness that she had when I

Was she in mourning for her father in 1783, when you first knew her?—She was not; and that is the circumstance that makes me think that it was on the first of May, and not on the 20th of February, I saw her at the Masquerade. There are two masquerades at the Pantheon every year, immediately before the Lent season and the other after; on reference to the newspaper file of that year, I find the first of the season was on the 20th of February, the second on the first of May; and, as I have no other means of ascertaining than that, I think it was on the first of May I first knew them, and not the twentieth of February.

About that period when you saw her at the Masquerade, did you see her at any other public place?—At no other public place than where I myself conducted the two ladies; that is, to the Theatre to see the Play.

Were you frequently at the Theatre with them?—I think twice with the two sisters alone.

Do you know where they were living at the time?—After their first appearance at the Masquerade, they went both to reside with Lady Talbot in Berkeley Square.

Do you know where they had been residing previously?—I cannot distinctly say; they lived in lodgings near to White Cross Street, and they came to the Masquerade under the care of the person at whose house they lodged; the woman at whose house they lodged, whose name I do not know.

You say she preserved, during the spring, summer, and autumn of 1785, the same simplicity of appearance that you had observed when you first knew her; do you mean the dress and character of a person in service?—She appeared in the simple dress of a young country woman, not giving in to any of the gaudiness of a person dressed for public appearance. She was generally dressed in plain white or coloured cotton.

And this continued down to the autumn of 1785?—This continued in the autumn of 1785.

About that time did you observe any remarkable change in her appearance?—I did not see Lady Berkeley again for a considerable time; and from that time certainly all personal acquaintance and all correspondence ceased between us; for when I met Lady Berkeley, I did not think it consistent with respect that I should recognize her, and the same feeling sh— before cannot say that I

observed any difference in her appearance until after her establishment with Lord Berkeley.

When was that?—I do not know. I never saw her but in public places. My Lord Berkeley afterwards did me the honour to introduce me to her, but till that introduction, I did not presume to take any notice of her.

Can you state the first time you saw her in public with Lord Berkeley after the autumn of 1785?—I believe I did not see her in his Lordship's company for years afterwards, but I had often occasion to see her alone; I have seen her in Hyde Park several times walking alone, or with a child, but I did not see her with Lord Berkeley for years afterwards.

You do not know from your own knowledge, when she was established under the protection of Lord Berkeley?—I do not.

Nor the exact date when you observed any change in her appearance?—I certainly saw her walking in Hyde Park, which was the first occasion of my seeing her afterwards; she was then very differently dressed.

Can you state whenabouts that was?—I should fancy it was not till the year 1787.

When you first knew these two ladies, the one of them went by the name of Susan Cole?—She did.

And at the latter end of the year 1785 she went by the name of Mrs. Turnour?—Yes.

Was that in consequence of her having married anybody of the name of Turnour?—I believe that Susan Cole took the name of Turnour, in consequence of living under the protection of a person of that name without marriage.

Can you state, whether to your knowledge Lady Berkeley, when you saw them together in 1785, knew that her sister Susan went under the name of Susan Turnour?—She certainly knew that she went under the name of Susan Turnour.

In the year 1785, when she was with her sister Susan, do you know that she was living under the protection of a person of the name of Turnour?—It is impossible for me to say whether Lady Berkeley knew it or not.

Did you ever meet Mr. Turnour at Susan's lodgings?—I

Did you ever see Lady Berkeley in company with that person who was pointed out to you as Mr. Turnour?—Never.

In an answer you made early in your examination, you stated that you had no acquaintance with William Tudor, but that you had been accustomed to call him William Cole; will you explain what you mean by that?—One hears of absent persons, but I only knew him from the conversation of the two sisters. Susan Cole was very anxious to recommend him to my very humble protection, as in the whole course of her life she was most solicitous to assist her family.

Can you recollect where you saw these two ladies?—It was a house near to a Chapel, upon the right hand.

With a bow window?—Yes.

Did you ever hear of their living any where but at Whitecross Street before they went to the Masquerade?—I understood, indeed afterwards I knew, that they lived at the Oxford Road corner of Bond Street. I knew that they came from Lady Talbot's back to that lodging, for then I saw them there; they afterwards resided in Newport Street, Newport Market, and from Newport Street they went into the country, the one to Gloucestershire, and the other into Lincolnshire.

Did you ever hear of one or both of the sisters being at Mr. Jennings's?—I never did; but Mr. Jennings may be the person who kept that house; I never heard of the name of Jennings.

You have said, that the dress of Mary Cole maintained the same character of simplicity to the end of the year 1785, that it had when you originally saw her; was that the case also with Mrs. Turnour?—It was not.

Can you speak to your own knowledge of the cause of Mary Cole taking the name of Tudor?—I cannot.

Do you remember walking with Lady Berkeley from Brompton to George Street, Hanover Square, and leaving her at the corner of the street?—I remember walking with Lady Berkeley from Brompton to near Hanover Square, but I cannot take upon me at this period to say at the corner of what street I bade her good evening or good afternoon. Was the name of the person, under whose care Lady Berkeley was, not known to you?—I do not know it.

delivered my charge back again to the lady, and she conducted them home.

Were Lady Berkeley and her sister of the company at the Masquerade, or only spectators of it?—I observed the two ladies in the coffee room, or room where they served refreshments to the company, I mean tea and coffee; and they were there very simply dressed, not mixing with the company of the Masquerade, but apparently brought in as strangers, to see the entertainment.

Where is White-cross Street?—It is near Bedlam, in the lower part of the city.

Did they appear in masks during a part of the evening?—I believe, I can say distinctly, that I used the licence of the sort of entertainment, and did address myself to them; I was amusing myself in a character, and I did address myself to these young ladies, and I believed that I prevailed upon them to allow me to get masks with the consent of the lady, under whose care they came to the Masquerade, and under my arm they went round the room two or three times to see the company; it was a scene perfectly new to them; they were prevailed upon to mix with the company, and I went and procured them masks, and I believe a couple of rakes, or something of that kind, by which they were converted into the characters of hay-makers, and they mixed with the company.

You have stated that you walked with Mrs. Turnour to call on Lady Berkeley at her lodgings in South-street?—I have a faint recollection that I walked with Mrs. Turnour to a house which she said was the lodgings of her sister Mary; I think it was in South-street, but I cannot take up on me positively to say whether it was in South-street or Princes-street, it is such a length of time it is impossible to recollect which.

Can you state at what time that happened?—The latter end of 1785.

Did you see Lady Berkeley upon that occasion?—I think I did; but I have stated originally that my recollection upon this point is extremely faint and imperfect; there is no striking circumstance that I can associate with it in my mind, to bring it to my recollection.

Did Lady Berkeley ever visit at any house where you

then a very young man, and living in chambers in Clement's-inn.

Can you state about what time that was?—About the period of 1783, when they were in London, and also I believe, once in the beginning of 1785.

Did you ever hear Lady Berkeley speak of her brother by the name of Tudor?—I have heard Lady Berkeley speak of her brother by the name of Tudor at the end of the year 1785, but I do not recollect hearing any mention of the name of Tudor by her at the beginning of the year 1785.

Do you know how long Susan was at Lady Talbot's?—I think that she continued at Lady Talbot's but a fortnight. Mary continued longer.

Are you perfectly sure Mary continued the longest?—The inclination of my memory is, that she continued after Susan came away.

The first time you ever saw either the present Lady Berkeley or her sister Susan, was in the coffee-room at the Pantheon?—That was the first time.

Have not you often heard Lady Berkeley reprobate the levity of her sister's conduct?

Mr. Solicitor-General objected to the question.

On the 17th of June, Mr. JAMES PERRY was again called in and examined as follows:

Can you state to their Lordships, where, from your knowledge, as far as your knowledge extends, Lady Berkeley resided at the different periods from your first acquaintance with her till the year 1785?—The first residence I really do not know of the lady place, but it was in Whitecross-street, at the house of the lady under whose care I saw her at the masquerade; from that she removed and lived at Mr. Fraser's or Mrs. Fraser's, the Oxford-street corner of New Bond-street, with the interval of the short residence at Lady Talbot's; she resided in Newport-street, New-port-market, near Long-acre, the great street which leads from Long-acre to Newport-market. I find that she returned to Gloucester in July 1783, in the beginning of July. at your Lordships bar on Saturday, I said that to my recollection she returned to Gloucester in July or August, I now find it was the beginning of July. I did not see her again till the beginning of 1785, and I cannot, from my own knowledge, say where she resided in 1785. I saw her at Mrs. Turnour's, but I do not know the house of that she resided there, in June 1785. I saw her at 1785 I saw her at

What circumstance led you to recollect it was July and not August that she went to Gloucester?—I stated to your Lordships that I sometimes had letters from Susan, and I find that I had a letter from Susan, then Susan Cole, dated the 14th of July, from Lincolnshire; by reference to that letter I find that it was in the beginning of July, in the interval from the time that they left Lady Talbot's, until the time that they both departed from London; they most assiduously endeavoured to procure other situations, and having failed in this; the one returned to her relations at Gloucester, and the other to a relation in Lincolnshire.

When you were at Gloucester in 1785, Mary was then living in the house of Mrs. Farren?—I understood so, I lived at an inn, and of course only visited; I was there at the christening, and in the day-time, but I did not reside at Mrs. Farren's myself.

You do not know whether that house was really Mrs. Farren's, or whether Mary actually paid for it?—I am totally unacquainted with the circumstance.

Do you recollect at that period whether Mary, now Lady Berkeley, looked in good health?—I must say, that in perusing the evidence I have seen that, but I cannot speak of it from my own recollection.

You do not recollect making any particular observations on her appearance in respect of health?—I do not; I beg to add to that, that I do recollect at the time being a stranger to Gloucester, that I walked out with Mrs. Turnour, I think Mary did not accompany us; but I do not know from what cause she did not. I cannot say that it was owing to indisposition certainly.

Can you state where, from your first acquaintance with these ladies at different periods, Mrs. Turnour resided during the same space of time?—As I have stated, the first residence was in Whitecross-street.

Where is Whitecross-street?—Near Fore-street, in the lower part of the city; I never was at their apartments there, and only speak of it from their information.

You know it from Lady Berkeley?—Yes, and from Susan; they went as I have said to a Mrs. Fraser's, to Lady Talbot's, to this Mrs. Fraser's, and from thence to Newport-street, and then as I have stated, they both went into the country. Susan returned about the end of the year 1783.

Did they go into the country together?—No, Mr. Farren came up to London in order to conduct them both down; he came up from Gloucester with an intention of conducting his sisters-in-law to Gloucester; but he went back without them;

Cole, and Mrs. Turnour, and Mrs. Wright, and of Mrs. Edge ; did you ever know her by any other name ?—I did.

State the various other names by which you have known her ? —I knew her first by the name of Susan Cole ; I knew her afterwards, by her own declaration, by the name of Mrs. Wright ; she then resided in a house near the New-road, and I understood she was under the protection of a person who was then a noble member of this House. It was then that she called upon me at my chambers ; and she afterwards, as I understood, became Mrs. Turnour ; at the end of the year 1785 she became Mrs. Bolton ; afterwards Mrs. Edge ; and from the time of her marriage with a man of opulence I have never had any correspondence with her, or spoken to her, or taken the least notice of her when we met, because I felt it a duty incumbent upon me not to revive recollections that might be injurious to her domestic peace.

Were you in the habit of visiting Mrs. Turnour at the end of the year 1784 ?—I was.

Do you know any thing of her writing into the country for her sister to come to town at that time ?—I did not know it till I saw it upon the minutes.

Do you know, of your own knowledge, that Susan and Lady Berkeley's visit to your chambers, was to drink tea with your sister ?—I do not ; they never saw my sisters in my presence.

You are still perfectly unable to say whether it was the twentieth of February or the first of May you first saw these ladies ?—I am totally unable to fix the time.

Have you tried to recollect which ?—I have, but I have no means of recollection, except as I have stated a little memorandum of expense, which in the very inconsiderable way I was in at that time was necessary for me to keep. I was just entered of the Inner Temple, meaning to prosecute my way to the bar ; and I was making the editorship of the periodical journals and publications then going on, the means of my getting to the bar ; I had not, therefore, any thing of an income to entitle me to much expense ; and the only article that I have that brings it to my recollection is, that I spent something for going to the masquerade ; but as I was at both, I cannot distinguish to which it belongs.

Were you at both in the same character ?—I was not certainly ; I was in the character of a Highlander.

At which of the masquerades were you in that character ?—That I cannot recollect. The first masquerade of that year was a masquerade that was recommended to the public by being

lieve it to be at that masquerade that this thing happened; and in looking into the account that was given next day, I see that there is an account of Highlanders in May, but there is nothing of that sort in the account of the masquerade in February, so that every thing concurs to give an inclination to my mind that it was on the first of May, and not on the twentieth of February.

Is there nothing with regard to two haymakers in the paper?—There is not; I have never made it a practice to allude to any ladies in any paper that I have had the conduct of.

The Rev. THOMAS LATHAM, officiating clergyman of Osbournby, in Lincolnshire, mentioned several conversations which he had with Mrs. Glossop during a short time she remained with him, and of his administering the sacrament to her. In one of these conversations, she stated that they had no relation of the name of Tudor, neither on her side nor her husband's; but that a lady of that name in the neighbourhood, when she was delivered of her son, William Cole, requested the child might be called Tudor.

The Most Noble the Marquis of BUCKINGHAM having been sworn, was examined by the Lords in his place as follows:

Had your Lordship any conversation with the late Lord Berkeley prior to the year 1799, relative to his family?—I apprehend that I do not depart from the respect which I owe to this House in requesting their permission, before I answer any question, to remind the House, that I stand here in obedience to their orders, and not as a voluntary witness, in a matter, for many reasons, so very painful to me. The question put to me is, whether I had any conversation with the late Lord Berkeley on the circumstances of his marriage or of his family prior to the year 1799? My answer is, that in the relation in which I stood with the late Lord Berkeley by marriage, and with the confidential habits in which I lived with him for many years, I had very many conversations with him upon the circumstances of his family. At various times Lord Berkeley communicated to me the circumstance of his living with a person, then, as I understood, the mother of children by him, to whom he distinctly stated to me that at that period he was not married. If I am called upon to fix the precise date of that first declaration it would be very difficult; it is limited, however, by particular circumstances; I know that it could not have been made to me before I returned from the commission with which his majesty had honoured me in Ireland, in the year 1789, in the latter end of the year 1789: it could not have been earlier than that; and I have likewise par-

nations, therefore, must have been between these two dates in which his lordship told me he was not married to the mother of some children, I did not then know how many, but boys he told me, whom he requested that I would be guardian to in the contingency of his death. I gave him many reasons which induced me to decline that, but particularly adverted to the circumstance of their illegitimacy, and of their mother being alive, which would be a very awkward circumstance to me in the relation of guardian. He pressed me upon this several times ; I declined it uniformly, and for the reason of their illegitimacy, which I assigned as my reason to him. In the course of these conversations he frequently adverted to a matter that dwelt much upon his mind, which he stated as dwelling much upon his mind ; namely, the probability that the castle and honour of Berkeley, of which he was very proud, and naturally so, would probably by the circumstances of his family be severed from the title, and would not go to Admiral George Berkeley his brother. I combated this from reasons of propriety, but I will likewise own, from reason of unbounded affection to Admiral George Berkeley, with whom I had lived in habits of intimacy from my infancy, and I stated to Lord Berkeley my conviction of the propriety of providing as he thought proper for his children, but of letting that castle and property, such as he described it, go with the title to his brother George Berkeley. He admitted the principle very freely, and in the course of two or three conversations which I can perfectly recollect, and probably there were many more, I thought that I had prevailed upon him to do this in the usual way ; but I was much surprised to find a hesitation upon the subject, which I could not account for. He told me that he had another device or plan, or project, I forget the exact word, for doing this, and he seemed shy of mentioning it, and distressed ; and I think he parted once or twice from me without explaining himself ; and I did not think it became me to press, but to leave that matter to its own course. In about a day or two, I think next day as well as I can remember, he came to me and told me that he had made up his mind to tell me what his ideas were, particularly as he thought I might assist him, from the influence which he supposed me to have from old friendship with his brother : and to my surprise he told me that he had a daughter of whom I had never heard before, but one of those children, and that he was very desirous that his brother should entertain the idea of a marriage between that daughter and the admiral's son. I perfectly remember smiling and saying, " the young lady is I believe three years old," for I knew she could not be older, and adverting to the age of the admiral's son, I treated the thing lightly, but he told me if this marriage could take

He asked me what I thought of it, and I am obliged to state that I discouraged it, but finding that Lord Berkeley imagined that I might perhaps influence the mind of his brother against it, he requested me to state it to Mrs. Berkeley, now Lady Emily Berkeley, her husband being then at sea. In the course of the objections that I made, I told him that I thought it probable that she would object as a wife to her son, however distant that prospect might be, to his daughter so educated as she was likely to be under a mother not married to him; Lord Berkeley's answer was, that if that was the only objection, Mrs. Berkeley should have the young lady and educate her herself. I stated the whole of this conversation to Mrs. Berkeley; she consulted me, as I told Lord Berkeley she probably would, what her answer should be. I know that what passed between Mrs. Berkeley and me is not legal evidence, but it may connect the evidence; and I state it only for the purpose of explanation. The answer was, that she received the communication as a mark of his affection for his brother, and would immediately transmit it to her husband; when I gave this answer to Lord Berkeley, he laughed at my having carried a message and brought back an answer; which I told him was one recommended by me to Mrs. Berkeley: and then said, that he would immediately propose to the mother of his girl, or his daughter, the giving up the child to Mrs. Berkeley; that was the first intimation I had from him that she was no party to this transaction. I told him that if he had not consulted the mother before, I very much doubted that all the conversation which had passed between us would come to nothing, for that I was persuaded she would never consent to give her daughter to be educated by another person. I ought to say that I stated this from general report of that person, because I never was in the same room with her, and never saw her but by accident, when she was walking with him in the park, at which time I never spoke to him. Shortly after this he was to have called upon me, and upon his sister at Winchester, where I was then quartered; he excused himself from it by stating that that daughter was just dead; it is that circumstance which fixes in my recollection positively, the exact date at which this conversation took place, for that must have taken place at the end of 1792, or the beginning of 1793, that the child in question must have died. I do not know exactly when, but probably in the month of May or June 1793, but I know that I had that letter in the month of June 1793; after that event Lord Berkeley was much agitated on seeing me the first time at Portsmouth, where he was

the life-time of his brother upon this proposal, and when Lord Berkeley made known the circumstance of the marriage, which he called his second marriage, the marriage of 1796, I happened to be absent when he called upon me for that purpose. I was gone down into Essex; he left a message to inform me of it; it was in the year 1797; but it was a subject so painful to me, that I would not converse with him upon it when we afterwards met, excepting that I told him, that if there was any idea as I had heard from rumour of setting up a question of a former marriage; this communication which he had made through me to Admiral Berkeley, was in Admiral Berkeley's hands, and that I must be bound to give it in evidence if it was ever called for; with these impressions, I never attended the Committee of Privileges in 1799, and took no part in it whatsoever, conceiving it was more than probable that Admiral Berkeley might think it necessary to call for my evidence.

Did Lord Berkeley at any time previous to 1799, communicate to your lordship any of the circumstances attending the origin of his connection with Lady Berkeley? I remember perfectly well in some conversation, Lord Berkeley adverting to her being a very good mother, taking great care of her children; and then he said, that she had been at a school at Gloucester. I said I had no difficulty in saying of her, whom I never saw in my life, but of whom I must have heard a great deal from rumour, that if I was to judge from public report, she had not profited much from her school education by her connection with him. He then said, she had left school some time before she came to live with him; I remember that and nothing more.

Did Lord Berkeley ever state to your lordship, the time when and the circumstances under which the particular connexion that subsisted between them took place?—No; he never, to the best of my recollection, explained more than that she had left school; and, I think, he said he got hold of her in London. I have some recollection of his talking to me something about that, and making use of the expression.

Did he ever say anything of his having advanced or paid the sum of one hundred guineas at the time of their first connection commencing?—I have a faint recollection; but on that I cannot be confident. I have a faint recollection of his saying something of paying money for her: but I cannot undertake to say the precise sum.

Is your lordship well acquainted with Lord Berkeley's handwriting?—Perfectly.

At any period previous to 1796, did Lord Berkeley ever give

was married to the person who then went by the name of Miss Tudor?—Never, but on the contrary repeatedly told me that he was not married to that person; repeatedly.

Did you happen to know yourself anything respecting the attachment of Lord Berkeley to Miss Ourey, daughter of the commissioner at Plymouth?—I have only heard of it, and used to laugh with him about it; but nothing more.

Have you ever heard Lord Berkeley make any declaration that he was not married after the year 1796, and before 1799?—Certainly never; I certainly never heard Lord Berkeley make any declaration of his marriage, or of his not being married in that interval. I believe I said before that we had very few conversations in that interval; I was absent myself out of England one entire year; I went in the year 1798 to Ireland, and remained there a year.

Had you yourself any means of knowing at what time the connection first took place between Lord Berkeley and the present Lady Berkeley?—I certainly had not any means of knowing that, not the most distant.

From Lord Berkeley?—From Lord Berkeley I had no means of knowing when the communication took place, excepting what I stated in answer to the noble lord just now, which seems to point out that it must have been after she left school and came to London: that is the only date I can call to mind.

The register of marriage in 1785 was shewn to his lordship, and he was asked,

Do you know in whose hand-writing the words “the mark of Richard Barns” are?—I am of course to speak to an opinion only upon this, for I have no other means of deciding, but I must say, that having looked very often to that entry whilst it has been upon the table of the House of Lords, and looked at it with great care, I have brought my own mind to a conclusion upon it; I take it for granted what the noble lord means to ask, is what I upon my oath believe of that mark; it pains me to say, that upon the oath I have taken, I believe it to be written by Lord Berkeley.

Look also at the words “Augustus Thomas Hupsman, vicar?”—I cannot be quite so positive upon that, for reasons that are obvious to every noble lord that examines it, but it leaves a strong impression upon my mind, that it is written by the same person that wrote “The mark of Richard Barns.”

Did you see Lord Berkeley write?—A hundred

Then His Grace the DUKE of NORFOLK having been sworn, was examined in his place by the Lords, as follows :

Does your Grace recollect any of the Berkeley family having their names admitted in the books of the corporation of Gloucester?—Some year after the year 1789, at a meeting which generally takes place at Michaelmas, both of the magistrates of the county and the magistrates of the city, Lord Berkeley and myself were there; we were living with the gentlemen of the county and the gentlemen of the town; he then said he had a favour to ask me, which was, that I would procure the freedom of the city to be granted to two or three, I forget which, but I think three of his boys, and added, “You will have two more friends.” I answered with many thanks, but they were so very young that the period of any assistance of that kind was so remote, it was a thing that I did not wish to press upon the corporation. He urged it so strongly, that I acquiesced, and proposed it to the mayor, and the members of the corporation, who are empowered to grant it, and some difficulty was made, but they acquiesced; the entries were made in the usual way, and the seals put to the grants. In the evening, a large party met to sup, and sat later than was usual to many, but much later than ever was usual to him,

What was said by Lord Berkeley in that communication that your Grace had with Lord Berkeley as to his children, your Grace, I suppose, did not mean to say that he was in any degree intoxicated?—Something passed on the circumstance of their illegitimacy, but no declaration was made one way or the other, on the part of Lord Berkeley, as to that.

Did Lord Berkeley assign any reason for asking that these boys might be admitted?—That I should have two more friends, or words to that effect.

Does your Grace remember Lord Berkeley addressed in this way, in your presence; “You will do as Lord —— has done; you will marry this woman?—I do not recollect any person addressing Lord Berkeley in that manner. I certainly cannot recollect to swear that I heard him so addressed.

Then the registry of the banns of Lord Berkeley was shewn to the Most Noble the Marquis of Buckingham, and he was asked,

Look at that book of banns, and state in whose hand-writing you believe that entry to be, the entry of the banns between Lord Berkeley and Mary Cole?—I do not believe it is written by Lord Berkeley, as far as I am a judge.

Adjourned.

he could not recollect Mr. Tudor being there ; but he had seen the Rev. Mr. Ferryman several times, nor Lady Berkeley's saying before two of her children, "These are the ties ; if it was not for these it could not be supposed I would live with Lord Berkeley on the terms I am living." Dr. Jenner had attended the present claimant from his infancy ; to the best of his recollection, he never heard Lord Berkeley talk of his children as illegitimate. Mrs. Jenner, he deposed, never visited Lady Berkeley till she took her title.

The Rev. Mr. FERRYMAN was afterwards admitted to correct certain errors in the printed copy of his evidence.

JOHN HERBERT and RICHARD HARRIS gave evidence as to the precise time when the Gloucester militia fired in Southgate-street, instead of College Green, in 1786 or 1787.

BRYAN DONKIN, the last material witness examined, being called in, was asked,

Are you conversant with the making and manufacture of paper ?
—I am.

How long have you been so ?—I should suppose about sixteen years.

Have you been sufficiently conversant with the mode of making paper, to be able to form a judgment, and to give your reasons for the judgment which you so form upon the question, whether two distinct pieces of paper have formed one piece of paper ?—
Under certain circumstances I think I am.

Then the registry of the marriage of Lord Berkeley, in the year 1785, was shewn to the witness, and he was asked,

Be so good as to look at this paper (the cut leaf at the end of the book) and the piece on which you see the register written, and state whether to your judgment this paper ever formed part of that paper ; and if so, give your reasons for that judgment ?—Will your lordships permit me to take off this letter, it intersects the letter.

The witness was informed that he might cut the letter pasted over the leaf.

The witness, after cutting the letter, examined the leaf and the entry of the marriage, and said,

I have not a doubt that this was the same piece of paper that was originally on the other part of this sheet ; that this piece of paper (containing the registry) originally belonged to this part of the sheet (the cut leaf at the end of the book).

State your reasons for the opinion that you have expressed ?—
In my opinion, from the un-

of the mould upon the flannel, this operation is technically called couching the paper, he slips the mould and it forms a double impression of the water mark, the impression of the face of the mould ; this is a similar mould (producing one), which will probably illustrate the idea : these small lines crossing the wires upon which the paper is made, have formed the impression which I spoke of. It appears, that in making this sheet of paper, these lines have crossed each other in the middle of the sheet, and that on examining this part of the sheet they diverge from about the centre of the sheet to the edge, and are at about the distance of the eighth of an inch. On comparing the divergency of the lines upon this part of the sheet with that of the piece opposite, they actually do correspond. I have also measured the distance between line and line, including, I believe, seven or eight ; and that also corresponds exactly. The quality of the paper I observe also to be the same.

Where the paper is skilfully made do you or not discover any thing of that divergency of the line ; or is not there one line without two diverging lines?—I have very rarely seen this circumstance ; I have seen it, but it very rarely happens.

Could you, by taking a sheet of white paper, exhibit to the House the line that you speak of as being upon the paper, when it is made in the mould, and how it would appear if it was diverged?—If I had two sheets of thin-laid paper, I could explain it.

You see the straight lines upon that sheet of paper?—Yes.

If this paper was properly and neatly manufactured it would have nothing but that single straight line :—Nothing.

But if, after having received that straight line, the paper should shift a little upon the mould, that will produce another line besides the straight line forming diverging lines?—It is by shifting upon the flannel, by unskilfulness or inattention, it is laid on one side.

If the mould shifts upon the paper, it puts the line in a different place?—Yes.

Which produces two lines?—Yes.

And those have the appearance of diverging lines?—Exactly so ; I have seen it sometimes happen that the lines are made parallel, that the mould has shifted in a parallel direction, and that it makes one line parallel with the other.

would impress the same line, but that would appear near the other line?—Yes, it would.

So as to produce diverging lines?—Yes.

And you state that to be an extremely rare circumstance in the making of paper?—It very rarely occurs in my observation.

And upon these grounds you take these to be part of the same leaf?—Yes, I have no doubt of it.

Does it appear to you, from the examination you have made of so much of the leaf as is left, with the paper which you now have in your hand (the piece containing the register) that there are diverging lines in both, and that the diverging lines in each correspond?—They do, to the best of my observation.

You will observe, upon looking at this leaf of the book, that upon the edge of the sheet there is an impression made which appears to be produced by the swelling of the binding at the edge of it?—I perceive that.

If the paper upon which the register is, was once part of that last leaf, how do you account for the circumstance, that there is not the same mark upon that paper as was produced by the swelling of the binding?—It appears, by the width of this paper, to have been cut twice, both at the edge, where it has been separated from the remaining part of the sheet, and likewise at the bottom, as it will not now make up the whole length of the book.

Will the paper make up the width of the page?—It does not seem now to correspond exactly; but from the inaccuracy of this edge, we cannot probably determine.

How much is it shorter or longer than the other?—It is very little; it seems to correspond exactly, on measuring this long corner.

How do you account for the circumstance, that there is no impression upon the edge of it, if the width be the same? you account for there being no impression upon the end of it, because the end is not the same; but how do you account for there being no impression upon that part of it, which would form the front edge of the paper, the width being the same?—Any impression made upon it in this way after the paper is once made will not be a permanent impression; and if a leaf having received such an impression, should afterwards be exposed to a pressure between two flat surfaces, the first impression would be obliterated.

Would not the circumstance of paste being put upon the paper, tend to facilitate the impression's being obliterated?—Most undoubtedly, any thing that would produce dampness upon the sheet

the binding of the book which you have now hold of : have you any means of knowing when that sheet was manufactured ; at what period that was manufactured, or by whom ?—It is almost impossible in this light to ascertain whether there is a date upon it or not, and upon the very place where the mark would be, there is this piece of paper (the certificate signed John Best) covering it as it did in the former instance.

The witness was informed that he might cut the certificate pasted upon the paper ; which he did ; and having examined the paper was asked,

From the observation you have made of that sheet of paper, does there appear to be any date upon it ?—Not that I can observe.

Are you able to say where that paper was manufactured ?—There appear to be two letters upon it distinctly, L. M. and likewise a mark somewhat representing the Dutch mark ; some of the the English makers used to imitate the Dutch mark, and probably it may be the mark of a person of the name of Lewis Munn, but that I am not certain of.

If it is not the make of Lewis Munn, do you think it foreign paper ?—It has much the appearance of foreign paper.

Where was Lewis Munn's manufactory ?—I believe it is in Kent, the old man's ; there are two Lewis Munns ; one at Rickmansworth, and the other in Kent.

Are they still manufacturers of paper ?—I do not know whether the old man is or not.

Have the other leaves of the book that mark ?—The other leaves of the book are of quite a different kind of paper.

When a book is bound the leaves are cut smooth with an instrument ?—Yes, by a plough.

Without that instrument can you cut a single piece so smooth as that ?—Undoubtedly, either with scissars or a knife.

You think it can be cut as smooth as that ?—Yes, but neither of the edges of this piece of paper appear to be the original leaf left upon the book, the piece is cut narrower.

Suppose two leaves are pasted together for a considerable time, can they be afterwards separated by a knife without cutting one or the other ?—I do not know that it is impossible, but I should think it an extremely difficult case.

Suppose two leaves pasted together for a considerable time,

register of the marriage is, did you observe any remains of pencil lines upon it?—There are pencil lines.

Look at the other sheet where there is the register of Cowley's marriage, and see whether you can see any pencil lines?—No, I see none here. Yes, on examination I see there are lines here.

Take notice of these two lines together, and say whether they appear to you to have been made at the same time?—They appear to be much of the same colour, and about the same distance. The lines upon this part of the sheet appear not to be equi-distant from each other, the two or three lines remaining upon the part containing the register appear to be equi-distant.

Look at the sheet at the commencement of the book; do not that which is pasted upon the board, and that leaf which forms the first leaf in the book, appear to be the same sheet?—Yes, they are the same sheet.

That sheet of paper is totally unconnected with the sheet at the end of the book?—Yes.

Look and see whether the lines diverge in the same manner in that sheet?—They do diverge in the same manner.

With respect to the pencil lines, do any of them correspond with any of the others?—Many of them correspond to the width; but I would observe with regard to the two sheets having the same divergency of these lines, it might happen that the paper might be made upon a double mould, that is two sheets being made at the same time upon one mould, and being turned out upon the same flannel, and conducted through the subsequent process of the paper manufactory nearly together, and probably these two sheets might come together from the same mould, but that is mere probability.

Can you by looking at that leaf see who made it, or where it was made?—There is no water-mark upon this part of the leaf.

Can you tell whether that smooth edge to which you were before referred, was made with a plough or a knife?—That is impossible.

Have you any means of judging how long the writing of the certificate may have been upon the paper?—None whatever.

Whether ten, fifteen, or twenty years?—That is impossible.

Were you brought up in the paper business?—I have been conversant with the paper manufactory nearly eighteen years, in making the machinery for paper mills, and in making paper.

House do agree with the said report, "That the Claimant, WILLIAM FITZHARDINGE BERKELEY, had NOT made good his claim to the titles, honours, and dignities of Earl of Berkeley, Viscount Dursley," &c. which was carried *nem. dis.*

The Lord Chancellor then moved the following resolution, which was also carried in the affirmative :—

"That an humble address be presented to his Royal Highness the PRINCE REGENT to acquaint his Royal Highness that this House hath deemed it their duty to lay before his Royal Highness a copy of the evidence given before the Committee of Privileges upon hearing the said claim, in order that his Royal Highness may be enabled to determine whether any measures should be directed by his Royal Highness with respect to what appears in such evidence."

During the sitting of the Committee of Privileges, the Lords taking into consideration the nature of the evidence in reference to Ellis Tayler Farren, Nicholas Hickes, and William Griffith, on the 7th of June, the same evidence was read by William Brodie Gurney, whereupon the said Ellis Tayler Farren and Nicholas Hickes were directed to withdraw.

Moved, That the said Ellis Tayler Farren be again called in and informed, that he had been called to the bar of this House, in consequence of its having appeared to the Committee of Privileges that he had grossly prevaricated in his evidence given before the said Committee this day, and that he be asked, if he has any explanation to make of the same.

The same was agreed to, and ordered accordingly.

Whereupon the said Ellis Tayler Farren was again called in, and the Lord Chancellor said, "Ellis Tayler Farren, you have been ordered to the bar of this house, in consequence of its having appeared to the Committee of Privileges, that you have most grossly prevaricated in the evidence you have given before the said Committee, and I am directed by this House to ask you, Whether you wish to offer any explanation of that evidence?"

Whereupon, Ellis Tayler Farren said, "My Lord, I never had the least intention of speaking any falsity; I spoke the truth to the best of my knowledge; I as much thought I had told Mr. Griffith, as that I stand in this House; I declare before my God, I would not wish to speak an untruth; I have no more interest in this business than in the remotest part of France."

Moved to resolve, That it appears to this House, that Ellis Tayler Farren hath been guilty of gross prevarication in giving evidence before the said Committee of Privileges of this House, to whom was referred the petition of William Fitzhardinge Berkeley, claiming as of right to be Earl of Berkeley, Viscount Dursley, and Baron Berkeley; and thereby has been also guilty of a great contempt of this House.

Then it was moved, That the said Ellis Tayler Farren be, for his said offence and contempt, committed to the custody of the Gentleman Usher of the Black Rod.

The same was agreed to and ordered accordingly.

Then it was moved, That the said Ellis Tayler Farren be, for his said offence and contempt, committed to his Majesty's gaol of Newgate.

Then Nicholas Hickes was again called in, and William Brodie Gurney was directed to read the evidence given by the said Nicholas Hickes; and having read the same, he was directed to withdraw.

Moved, That the said Nicholas Hickes be again called in and informed, That he had been called to the bar in consequence of its having appeared to the Committee of Privileges that he had grossly prevaricated in his evidence, given before the said Committee this day, and that he be asked if he has any explanation to make of the same.

Whereupon the said Nicholas Hickes was again called in, and the Lord Chancellor said, "Nicholas Hickes, you have been ordered to attend at the bar in consequence of its having appeared to the Committee of Privileges, that you have grossly prevaricated in your evidence, and more especially in those parts of the evidence in which you have sworn both that you have had, and that you have never had conversation since you came to town, respecting the hand-writing to which you spoke; do you wish to say anything in explanation of your evidence?"

Whereupon Nicholas Hickes said, "When the question was put to me, I thought it was, Whether I had lately; and I never mentioned it but once, and that some time ago; I mistook the question entirely."

Were not you asked, "Whether that passed since you came to town?"—Yes, but I entirely misunderstood it, as I stand here, I assure your lordships.

He was directed to withdraw.

Moved to resolve, That it appears to this House, that Nicholas Hickes, in giving evidence

referred the petition of William Fitzhardinge Berkeley, claiming as of right to be Earl of Berkeley, Viscount Dursley, and Baron Berkeley; and thereby has been also guilty of a great contempt of this House.

Which being objected to; then the following questions put to the said Nicholas Hickes, and the answers thereto, were again read, viz.

“ Have you been conversing with anybody lately as to this hand-writing?—I have not.

“ You have not been at Spring Gardens lately, have you?—I have not; not to converse with anybody on the subject.

“ Have you been there?—I have been there several times.

“ Have you been living there?—No, I never ate nor drank there in my life.

“ Whom did you go to there?—I saw Lady Berkeley.

“ Do you mean to say you have not talked with anybody since you came to London, as to the manner in which Hupsman wrote?—I have not.

“ (*By a Lord.*) Do you know how you came to be summoned as a witness here?—I received a letter from my wife, saying, that there was an anonymous letter sent to your lordships of such and such people coming up to give evidence against Lady Berkeley, and I went and told Lady Berkeley, that if I saw the registry, I believed I could swear to the hand-writing.

“ When did you tell Lady Berkeley that?—Oh! some time after March.

“ After last March?—Yes.

“ When?—I think in the month of April.

“ It was in Spring Gardens you went to Lady Berkeley?—Yes.

“ And you there told her you could swear to Hupsman's hand-writing?—Yes.

“ And that was what passed between you?—Yes.

“ Did any thing more pass as to any evidence you could give here?—No.

“ But you said you thought you could swear to the hand-writing of Hupsman?—Yes, from having seen him write, and received letters from him.”

Then it was moved, That the said Nicholas Hickes be, for his said offence and contempt, committed to the custody of the Gentleman Usher of the Black Rod.

The same was agreed to; and ordered accordingly.

Then it was moved, That the said Nicholas Hickes be, for his said offence and contempt, committed to his Majesty's gaol of Newgate.

The same was agreed to; and ordered accordingly.

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